CITY OF ST AUGUSTINE EST. 1565

CITY OF ST. AUGUSTINE CITY COMMISSION

REGULAR MEETING AGENDA

MONDAY, FEBRUARY 22, 2021 - 5:00 PM

ALCAZAR ROOM

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1. CALL TO ORDER

- Roll Call
- Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.A.1. Presentation by representatives of the Lightner Museum regarding the plans for the southerly garden landscape design and an addendum to the lease agreement between the City and the Board of Trustees of the Lightner Museum of Hobbies, Inc. *(M. Breidenstein, Assistant City Manager)*

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

7.C.1. Public hearing regarding the City's eligibility to apply for a Small Cities Community Development Block Grant - Coronavirus. *(C. Sakryd, Grant Administration Coordinator)*

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. ***Ordinance 2021-04***: **(Request for Continuance)** Amends the Sebastian Inland Harbor Planned Unit Development. *(D. Birchim, Director Planning and Building)*

9.B. Resolutions

9.B.1. ***Resolution 2021-04***: Opposing SB 522 and HB 219 regarding short-term vacation rental preemption. *(I. Lopez, City Attorney)*

9.B.2. ***Resolution 2021-05***: Supports SB 594 and HB 6027 regarding the removal of the preemption on the regulation of plastic bags and polystyrene. *(I. Lopez, City Attorney)*

9.B.3. ***Resolution 2021-06***: Supports SB 514 and HB 315 supporting the establishment of a statewide office of resiliency. *(I. Lopez, City Attorney)*

9.B.4. ***Resolution 2021-07***: Opposes SB 62 regarding the elimination of regional planning councils. *(I. Lopez, City Attorney)*

9.B.5. ***Resolution 2021-08***: Supports SB 596 and HB 6023 regarding the repeal of tree permit preemptions. *(I. Lopez, City Attorney)*

9.B.6. ***Resolution 2021-09***: Opposes SB 266 and HB 403 regarding the regulation of home-based businesses. *(I. Lopez, City Attorney)*

9.B.7. ***Resolution 2021-10***: Opposes SB 496 and HB 59 regarding growth management and property rights. *(I. Lopez, City Attorney)*

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

11.A. Discussion regarding 2021 legislative session update regarding priorities stated by the commission as well as other legislative bill tracking which may impact the city. *(D. May, Assistant City Attorney)*

12. ITEMS BY CITY CLERK

13. ITEMS BY CITY MANAGER

13.A. Discussion regarding the permitting of spring special events. *(J. Regan, City Manager)*

13.B. Request for exception to the current special events policy allowing Rhythm and Ribs to move to October. *(M. Breidenstein, Assistant City Manager)*

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - FEBRUARY 22, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MARCH 8, 2021: NONE.

CA.3. Reminder of Upcoming Meetings:

- March 8, 2021 - 5pm - Regular City Commission Meeting
- March 22, 2021 - 5pm - Regular City Commission Meeting
- April 12, 2021 - 5pm - Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: NONE.

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- 1061 N. Orange Street - Kevin Spiling and Gina Baker
- 1302 Eisenhower Drive - Janet T. and Brian D. Martinez
- 925 Collier Boulevard - Robert M. Bush
- 3762 Old Lewis Speedway - Craig Rowe
- 6 Helen Street - Tara Ganson

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

Proclamation 2021-02: Recognizing the 502nd birthday of Don Pedro Menendez de Aviles.

CA.8. January financial report. *(M. Simpson, Director Finance)*

CA.9. Approval of invoices to Cavendish Partners, P.A. for legal services regarding the MASCI General Contractor, Inc. v COSA matter in the amount of $3,127.00 and for legal services regarding the Marlowe v COSA matter in the amount of $928.00. *(I. Lopez, City Attorney)*

End of Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E., City Manager

DATE: February 10, 2021

RE: Lightner Museum Presentation of Landscape Design and Addendum to Lease Agreement between the Trustees and the City

The Board of Trustees of the Lightner Museum of Hobbies, Inc. (Trustees) has requested an addendum to the agreement that was signed on December 9, 2019. The current agreement sets out the key responsibilities for building and ground maintenance and insurance for the Lightner Building and Financial Services Building property. The terms of this current agreement are consistent with the original 1947 indenture and trust and clarified and updated mutual rights and responsibilities for the maintenance, rental, and management of the property between the Trustees and the City.

The Trustees' requested addendum will move the two parking spaces adjacent to the statuary from the City's responsibility to the Trustees'. These parking spaces will be incorporated into the landscape design of the southerly outdoor garden but will not impede the use of the adjacent parking spaces. The addendum also clarifies that all electrical, irrigation and other utility lines in the southerly garden are the Trustees' responsibility and that any doors and/or gates that provide access to the area will be managed by the Trustees. Finally, the Trustees agree to cooperate with the City in its efforts to promote the authenticity and vitality of St. Augustine's unique arts and culture community for the benefit of residents and visitors in exchange for these spaces.

Jeremy Marquis of Marquis Latimer + Halback, Inc. will present the design of the southerly garden space. The Lightner Museum's Executive Director, David Bagnall, will present the vision of the Lightner Museum and describe the importance of the proposed addendum to this vision. Following their presentation, they will be available to answer any questions that there may be about the space and the proposed addendum. City staff will also be available to answer any questions about the proposed addendum.

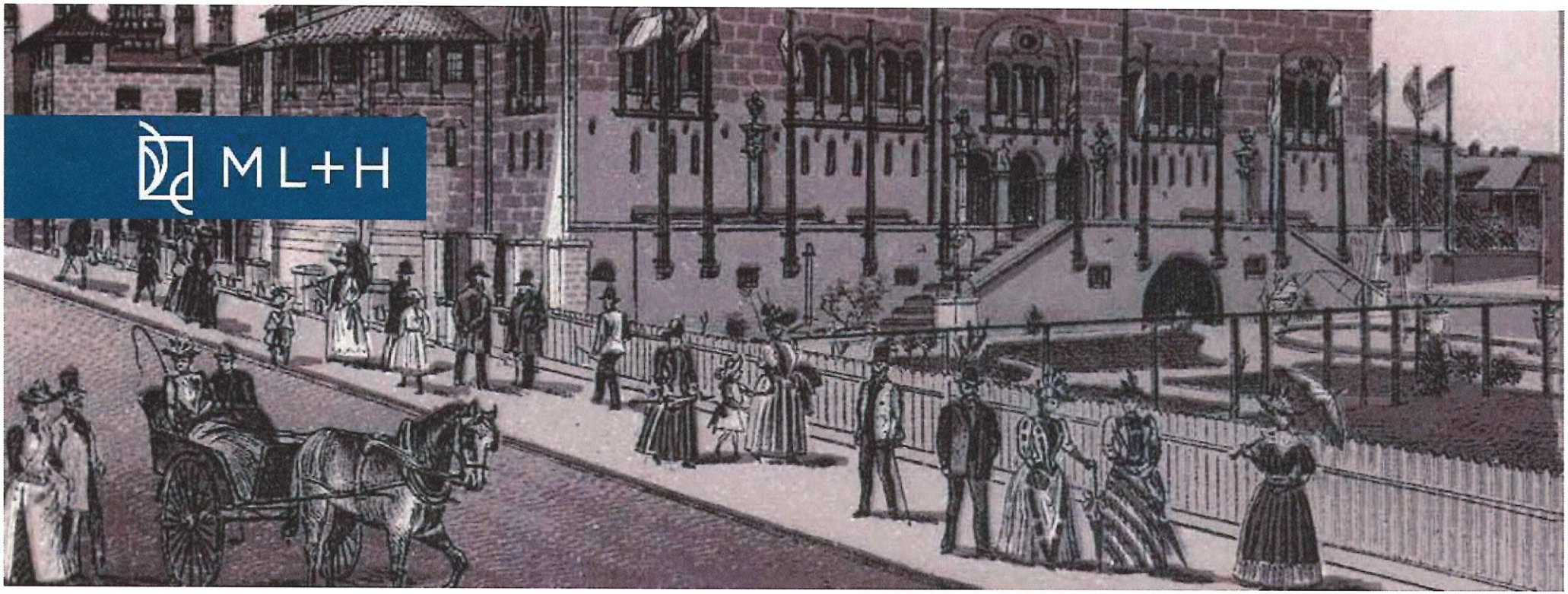
Please place on the February 22, 2021 City Commission agenda under General Public Presentations:

1) The Lightner Museum Presentation of Southerly Garden Landscape Design
2) Addendum to Lease Agreement

Please feel free to reach out to me if you have any questions or concerns.

Meredith Breidenstein
Assistant City Manager

Xc: Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk



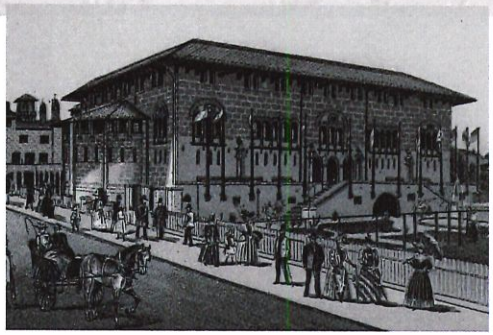
LIGHTNER MUSEUM SOUTH PATIO + GARDEN

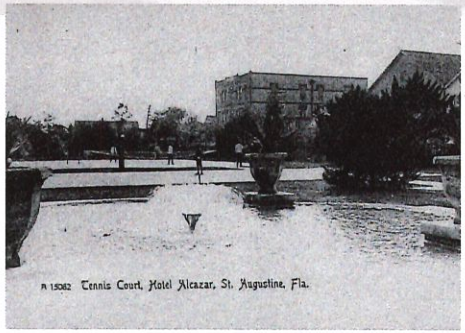
City Commission Presentation
February 22, 2021
(ML+H Project No. 20.5.0)

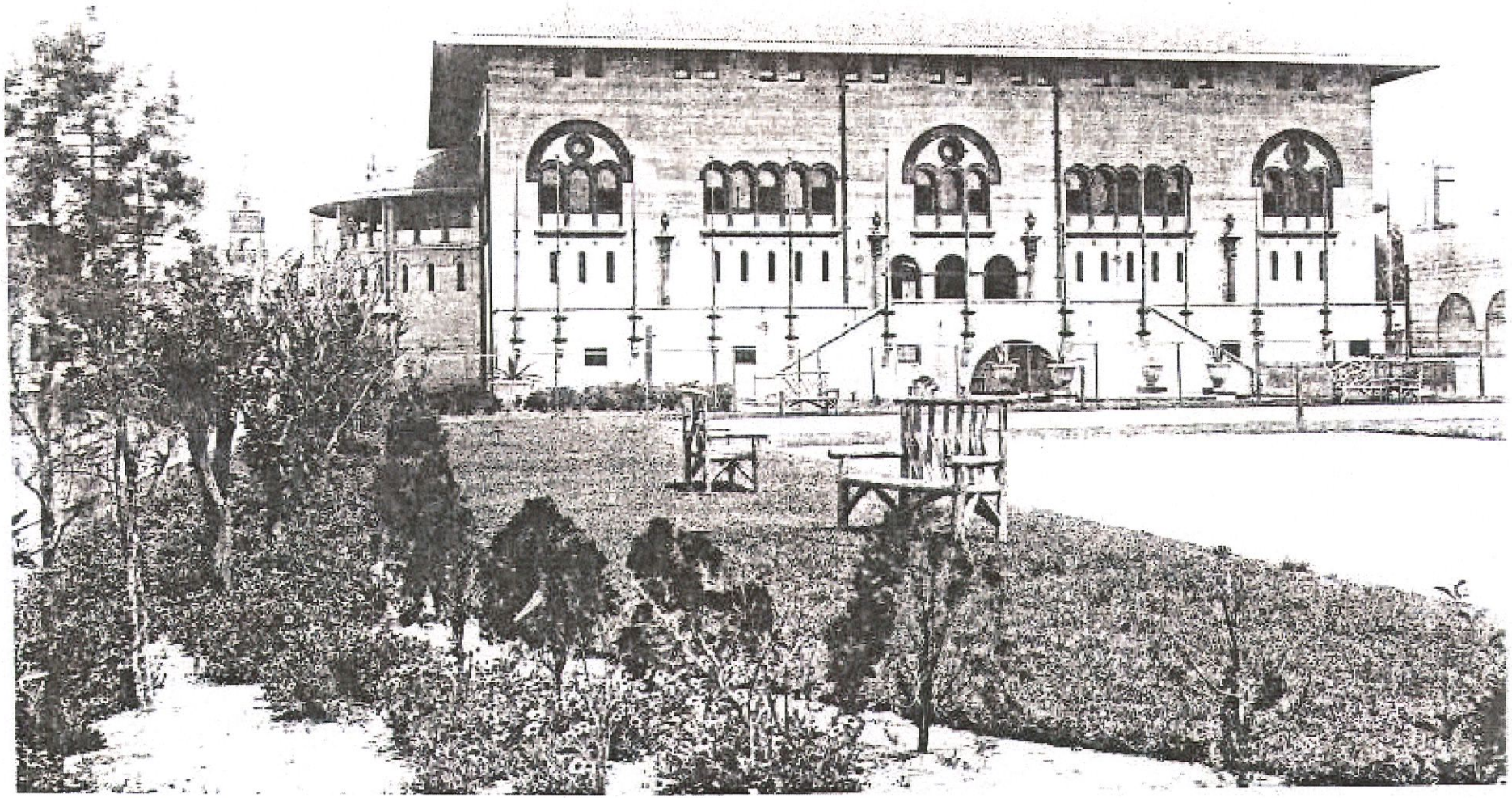
Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

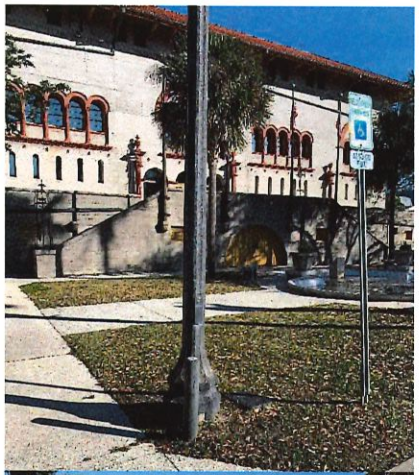
ML+H

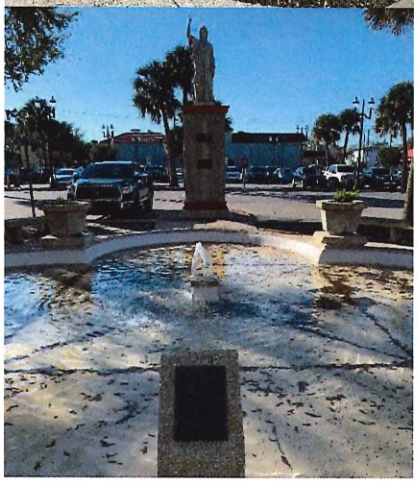
ALCAZAR HOTEL











UNIMPROVED CONDITIONS

CONSTRUCTION BEGINS JANUARY 2021

ILLUSTRATIVE SITE PLAN

SCALE: 1"= 20'

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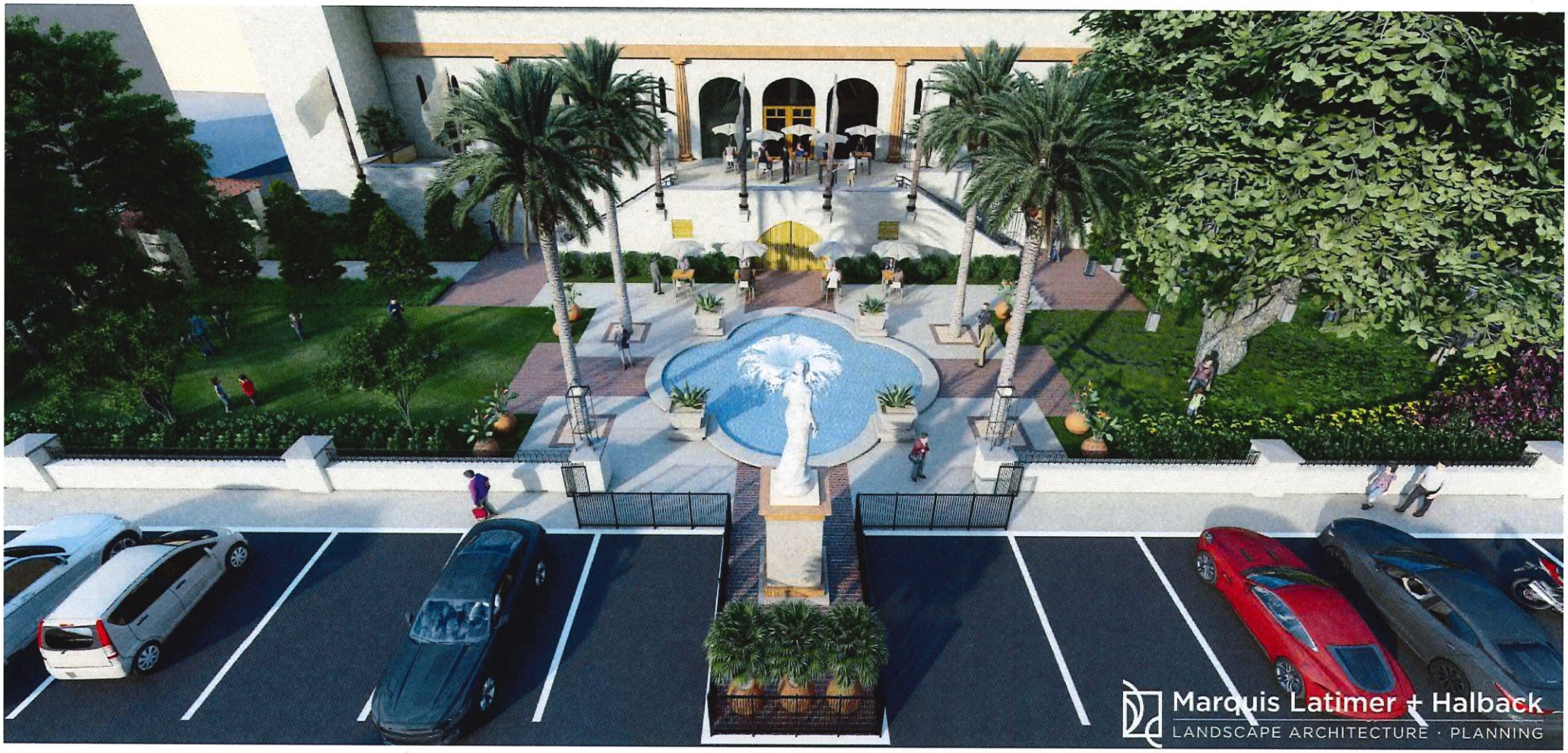

PHOTOREALISTIC | VIEW FACING NORTH

ML+H

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

PHOTOREALISTIC | VIEW FACING SOUTH FROM TERRACE

ML+H

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

PHOTOREALISTIC | GATHERING + SCULPTURE LAWN

ML+H

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

PHOTOREALISTIC | SHADE GARDEN

ML+H

PHOTOREALISTIC | ENTRY FROM PARKING AREA

ML+H

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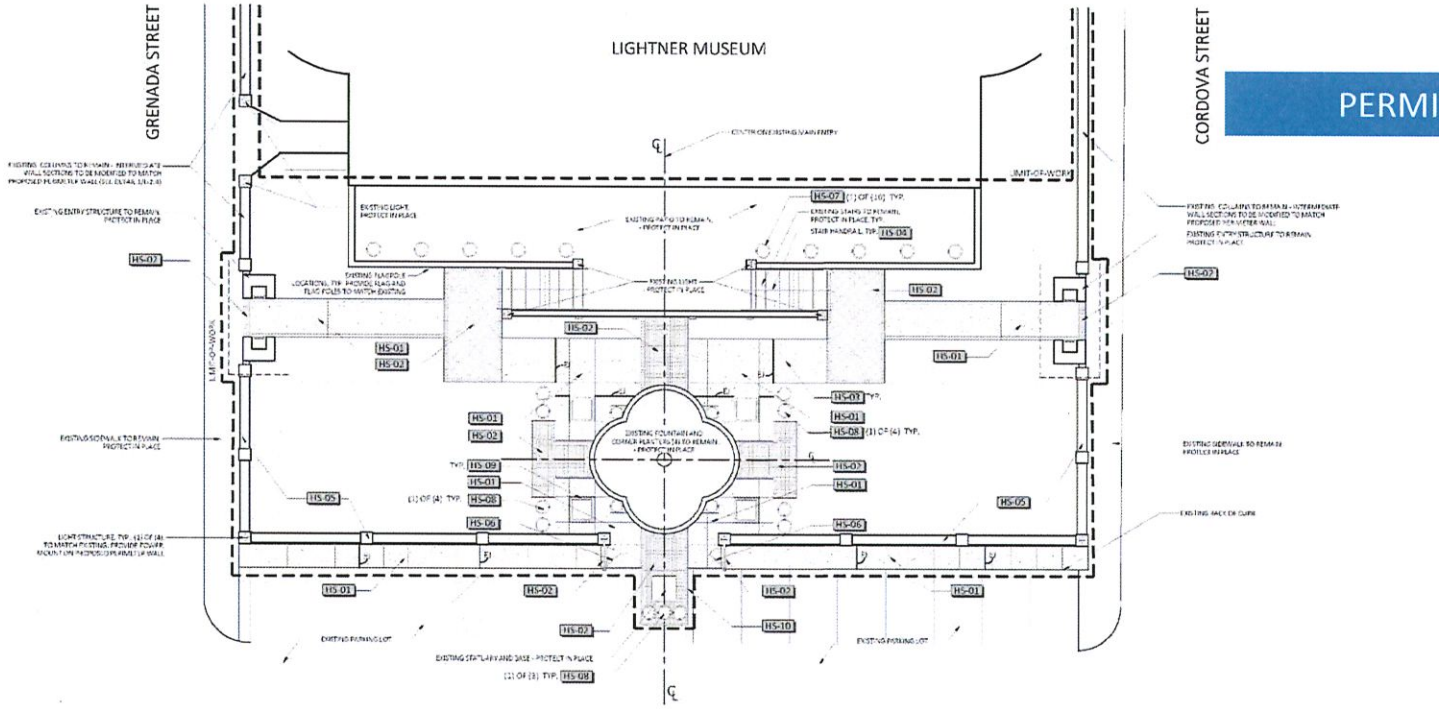
PERMITTED PLAN



REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY	DETAIL	DESCRIPTION	FINISH/COLOR	MANUFACTURER/SHOP DRAWING REQ'D	NOTES
	HARDSCAPE						
HS-01	COQUINA CONCRETE - PEDESTRIAN	2,365SF	3/L2.3	COQUINA CONCRETE	NATURAL GREY		CONTRACTOR TO PROVIDE 6" X 6" SAMPLE WITH CONTROLLAND EXPANSION JOINT
HS-02	ACCENT PAVERS	1,295SF	3/L2.3	BRICK PAVER	1/3 HARVEST, 1/3 DARK AMBER, 1/3 SLEEK RED	HANOVER GRAPE	2 1/4" X 4 2 1/4" - REVEL AND SOFT SMOOTH
HS-03	CONCRETE CURBS		4/L2.3	FORMED AND EXPANSION JOINTS			FIELD VERIFY DIMENSIONS AND LOCATIONS
HS-04	HANDRAIL		2/L2.3	DECORATIVE METAL HANDRAIL	BLACK WROUGHT IRON		FIELD VERIFY DIMENSION, AND LOCATION OF EXISTING STAIRS
HS-05	PERIMETER SEAT		3/L2.4	CASTING PLACE HARVARD CONCRETE SHELL W/ METAL RAILING	NATURAL GREY		TO MATCH EXISTING
HS-06	WROUGHT IRON GATE - SINGLE		2/L2.4	SINGLE EXTERIOR GATE	BLACK WROUGHT IRON		
HS-07	TERRACE PLANTER			MASS EXPANDED PLANTER	TERRACOTTA	TUSCAN IMPORTS	
HS-08	FOUNTAIN PLAZA PLANTER			SAWCUT AA MURO - PLANTER	TERRACOTTA	TUSCAN IMPORTS	
HS-09	FOUNTAIN PLAZA TREE WELL		5/L2.3	TREE WELL W/ BRICK RING AB CONC. FOUNDATION			
HS-10	WROUGHT IRON FENCE		3/L2.4	DECORATIVE METAL FENCING	BLACK WROUGHT IRON		TO MATCH EXISTING GATE DETAIL 4" ENTRY STRUCTURE

NOTES:
1. EVALUATE EXISTING FOUNTAIN EQUIPMENT. CONTRACTOR TO PROVIDE OPTIONS FOR UPGRADED PUMP AND FILTRATION SYSTEMS.
2. ALL EXISTING APPURTENANCES AND PLAQUES TO BE MAINTAINED.
3. COORDINATE WITH CITY TO LOCATE AND PROTECT EXISTING ARTESIAN WATERLINE.

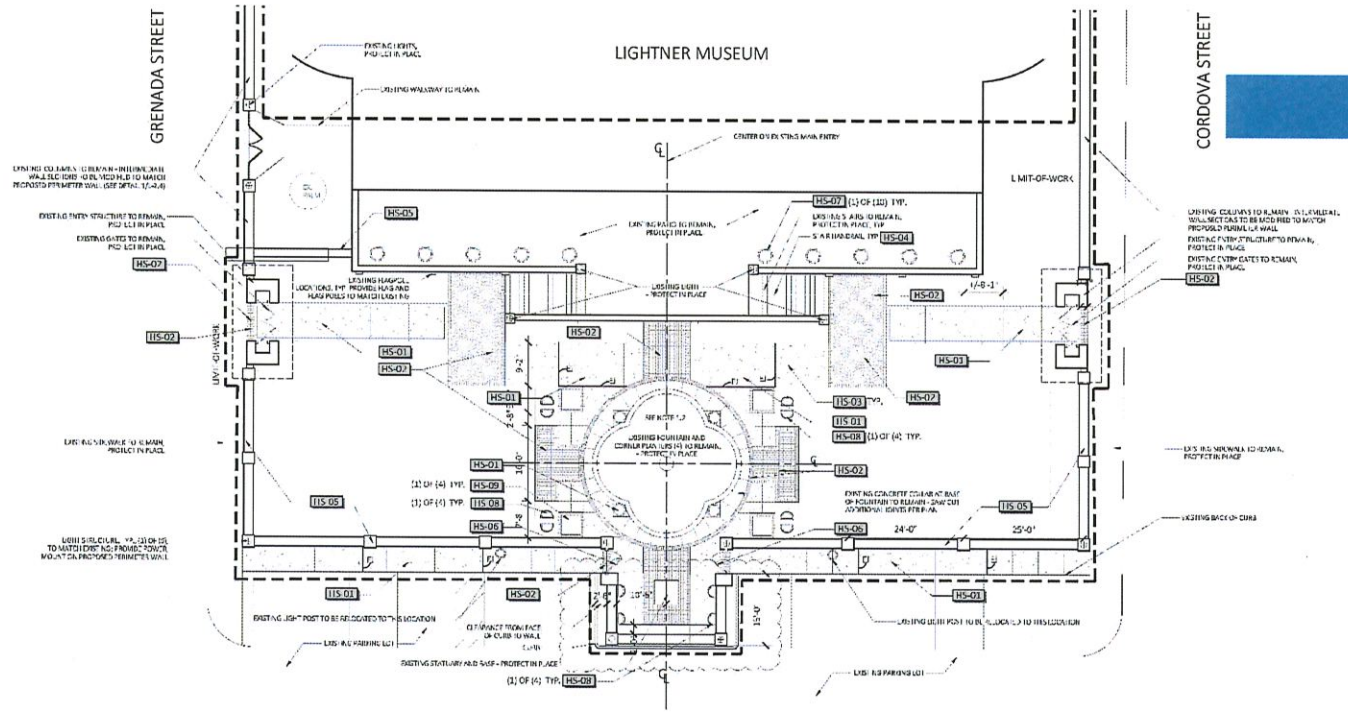
0' 5' 10' 20
SCALE: 1"=10'

SCALE: 1"= 20'

HARDSCAPE PLAN

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

UPDATED PLAN



REFERENCE NOTES SCHEDULE							
	HARDSCAPE						
SYMBOL	DESCRIPTION	QTY	DETAIL	DESCRIPTION	FINISH/COLOR	MANUFACTURER/SUPPLIER	NOTES
HS-01	COQUINA CONCRETE - PEDESTRIAN	3,515 SF	1/A-2.1	COQUINA CONCRETE	NATURAL GREY		CONTRACTOR TO PROVIDE 6" X 18" SAMPLE WITH COMPOUND AND SEALANT
HS-02	ACCENT PAVING	1,249 SF	1/A-2.1	BRICK PAVER	1/4 ANTIQUE, 1/4 SAND ANTIQUE, 1/2 CLEAR RED	VIRTACRE GREER	2 1/4" X 8" X 2 1/4" - VERY WELL SMOOTH
HS-03	CONCRETE JOINTS		4/A-2.1	TOOLED AND EXPANSION JOINTS			FIELD VERIFY DIMENSIONS AND LOCATIONS
HS-04	HANDRAIL		2/A-2.1	DECORATIVE METAL HANDRAIL	BLACK WROUGHT IRON		FIELD VERIFY DIMENSION AND LOCATIONS OF [illegible] NO SEAMS TO MATCH EXISTING
HS-05	TERRACE WALL		1/A-2.1	CAST-IN-PLACE SCARVED CONCRETE WALL W/ METAL RAILING	NATURAL GREY		
HS-06	WROUGHT IRON GATE - SINGLE		2/A-2.4	SINGLE ENTRY GATE	BLACK WROUGHT IRON		
HS-07	TERRACE PLANTER			VASE SCAVIATO PLANTER	TERRACOTTA	TUSCAN IMPORTS	
HS-08	FOUNTAIN PLUG PLANTER			CAST CAMILLO - PLANTER	TERRACOTTA	TUSCAN IMPORTS	
HS-09	FOUNTAIN PLUG PLANTER WALL		3/A-2.3	FIELD WELL W/ BRICK RING AND CONC PAVEMENT			
HS-10	WROUGHT IRON FENCE		3/A-2.4	DECORATIVE METAL FENCING	BLACK WROUGHT IRON		TO MATCH EXISTING GATE ON HALL ENTRY STRUCTURE

NOTE:
1. EVALUATE EXISTING FOUNTAIN EQUIPMENT. CONTRACTOR TO PROVIDE OPTIONS FOR UPGRADED PUMP AND FILTRATION SYSTEMS.
2. ALL EXISTING MEMORIALS AND PLAQUES TO BE MAINTAINED.

0' 5' 10' 20
SCALE: 1"=10'

HARDSCAPE PLAN

PHOTOREALISTIC | VIEW FACING NORTH

ML+H

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PHOTOREALISTIC | VIEW FACING NORTH - UPDATED

ML+H

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

PHOTOREALISTIC | VIEW FACING SOUTH FROM TERRACE

ML+H

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

PHOTOREALISTIC | VIEW FACING SOUTH FROM TERRACE - UPDATED

ML+H

PHOTOREALISTIC | GATHERING + SCULPTURE LAWN

ML+H

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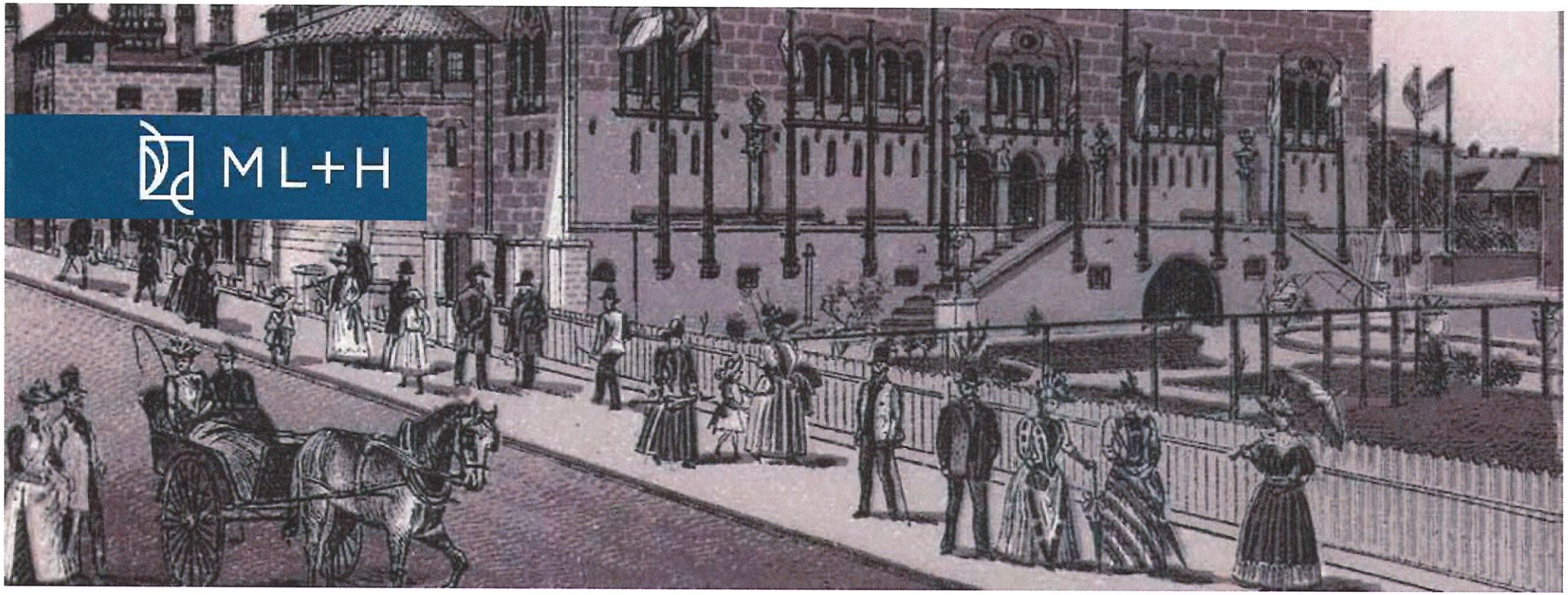
PHOTOREALISTIC | GATHERING + SCULPTURE LAWN - UPDATED

ML+H



LIGHTNER MUSEUM SOUTH PATIO + GARDEN

City Commission Presentation
February 22, 2021
(ML+H Project No. 20.5.0)

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

ADDENDUM TO LEASE AGREEMENT

THIS ADDENDUM ("ADDENDUM") is executed by and between the **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized and existing under and by virtue of the laws of the State of Florida, hereinafter referred to as the "CITY", and the **BOARD OF TRUSTEES OF THE LIGHTNER MUSEUM OF HOBBIES, INC.**, hereinafter called "TRUSTEES", with respect to the Lease Agreement ("AGREEMENT") executed between the parties dated December 9, 2019.

RECITALS

WHEREAS, TRUSTEES wish to expand the southerly outdoor garden of the Lightner Museum property to include two (2) flanking parking spaces and to bring the Faith Tiberio sculpture out of the parking lot and into the newly renovated garden space.

WHEREAS, TRUSTEES believe this expansion will benefit the accessibility, resiliency, and landscape architectural quality of the Lightner Museum's south gathering area; and

WHEREAS, the CITY agrees that the additional consideration described in Section 2 of this Addendum is a public benefit and provides a public purpose commensurate to the value of the parking spaces; and

WHEREAS, TRUSTEES wish to continue with the terms of the 2019 AGREEMENT and agree to the terms and conditions of said AGREEMENT; and

NOW, THEREFORE, the CITY and TRUSTEES, in consideration of the mutual covenants and promises contained in this ADDENDUM, the adequacy and receipt of which are hereby acknowledged, hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein.

2. **Amendment.**

(a) The CITY agrees to amend the definition of the Lightner Museum found in the 2019 AGREEMENT to include the figural sculpture in the southerly outdoor garden, the two parking spaces flanking the sculpture, and all exterior walls, fencing, gates, and landscaping in or adjacent to the southerly outdoor garden. The design of any wall, fencing, gate, or landscaping must not impede the use of the parking spaces adjacent to this area. This area shall thereafter be incorporated into the Lightner Museum property, to be maintained and controlled by the TRUSTEES. Any doors or gates providing access to the Lightner Museum area will be managed by the TRUSTEES and open to the public as determined by the TRUSTEES.

(b) The TRUSTEES agree to be responsible for the construction, repair, maintenance, and insurance of the amended Lightner Museum property included in paragraph (a), and for any costs associated with the repair or relocation of electrical connections and fixtures, hose bibs, faucets, potable water irrigation lines, sewer and/or artesian well irrigation lines, or any other utility lines, in the southerly outdoor

garden. The CITY finds that this privately funded improvement supports the CITY's Historic Preservation Master Plan, Vision Plan and core values of the Strategic Plan by enhancing features of the City which make St. Augustine an historic and distinctive community.

(c) Consistent with the CITY's Vision Plan, the TRUSTEES agree to cooperate with the CITY in its efforts to promote the authenticity and vitality of St. Augustine's unique arts and culture community for the benefit of residents and visitors.

3. **Remaining Terms Continue in Full Force and Effect.** All remaining terms of the 2019 AGREEMENT not in conflict with the terms of this ADDENDUM shall remain in full force and effect.

* * * ***Signatures Appear on the Following Page*** * * *

IN WITNESS WHEREOF, the CITY has caused this ADDENDUM to be executed in its name by its duly authorized officers, and its corporate seal to be hereunto fixed, and TRUSTEES has hereunto set its hand and seal, this _____ day of _____, 2021.

"CITY"

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

_____
Darlene Galambos, City Clerk
(SEAL)

By:_____
John P. Regan, City Manager

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
CITY ATTORNEY

"TRUSTEES"

Signed, sealed, and delivered
in the presence of:

BOARD OF TRUSTEES OF THE
LIGHTNER MUSEUM OF HOBBIES, INC

_____
Witness
Print:_____

By:_____
Teresa Radzinski, Chairperson

_____
Witness
Print:_____

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E.
City Manager

DATE: February 9, 2021

RE: City Commission Meeting Agenda Item

As you're aware, The City has been notified that it is eligible to apply to the Florida Department of Economic Opportunity (FDEO), under a special funding cycle, for a Small Cities Community Development Block Grant- Coronavirus (CDBG-CV). A total of $41,931,595.00 is being made available through a competitive application process to local governments to prevent, prepare for, or respond to the coronavirus pandemic. Eligible applicants may apply for a minimum of $200,000 and a maximum of $5,000,000 without a match requirement. The Pre-Application Cycle opened February 1, 2021 and continues through March 15, 2021. Selected pre-application projects will be invited to submit complete applications for final selection.

Grant funded activities must meet one of the following National Objectives: provide benefit of low- and moderate-income persons, prevent or eliminate slum or blight conditions, or address urgent community development needs which, pose a serious and immediate threat to community health or welfare.

Placing this item on the Commission Agenda satisfies Public Notice for availability of funding, proposed project, and allows for citizen comment. This first Public Hearing is required prior to Pre-application submission.

If you concur, please place this item on the agenda for the City Commission meeting, scheduled for February 22, 2021, under Special Presentations, Other Items Requiring Public Hearings for their consideration.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance.

Corey L. Sakryd

Corey L. Sakryd
Grant Administration Coordinator

Encl: Notice of First Public Hearing
xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk
Jim Piggott, Director, General Services
file

CITY OF ST. AUGUSTINE
NOTICE OF FIRST PUBLIC HEARING

The City of St. Augustine is considering submitting an application to the Florida Department of Economic Opportunity (DEO) for a Small Cities Community Development Block Grant in the Coronavirus (CDBG-CV) Application cycle. A total of $41,931,595.00 is being made available through a competitive application process to local governments who are eligible to participate in the Small Cities Community Development Block Grant (CDBG) Program within the State of Florida. The minimum amount a community may apply for is two hundred thousand dollars ($200,000.00), the maximum amount a community may apply for is five million dollars ($5,000,000.00). The City may submit only one application for a single project or program. Limited English Proficiency (LEP) Persons can view this entire document at the City of St. Augustine website at: https://www.citystaug.com/125/Legal-Notices-Disclaimers

These funds must be used for projects that meet the following threshold criteria:

1. Project activities must meet at least one of the following National Objectives:
   - Benefit to Low-and-Moderate Income Persons (LMI) individuals and/or households, including:
   - Indirect benefit activities – at least 51% of beneficiaries must be LMI; or
   - Direct benefit activities – 100% of beneficiaries must be LMI.
   - Prevention or elimination of slum and blight – see 24 CFR §570.483(c); or
   - Address an Urgent Need – see 24 CFR 570.483(d).
2. Project activities must prevent, prepare for, or respond to the coronavirus, and should demonstrate a:
   - Direct effect: Costs directly associated with coronavirus prevention, preparation, or response, (e.g. rehabilitation of building to create additional quarantine and isolation rooms for recovering COVID-19 patients).
   - Indirect effect: Economic and housing market disruptions (e.g. small business assistance).

Examples of some of the activities which can be applied for include but are not limited to the following:

- Rehabilitate a facility for testing, diagnosis or treatment of Covid-19.
- Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.
- Installation of wiring, fiber optic cables, and permanently affixed equipment such as receivers for areas to receive broadband/internet access.
- Rehabilitate a senior center, community center or homeless shelter by replacing the HVAC system and/or installing air purification system.
- Acquisition and/or rehabilitation of a building to expand capacity of homeless shelters to accommodate social distancing and isolation.
- Installation of wi-fi routers/extenders in affordable housing buildings for LMI residents.
- Provide testing, diagnosis or other services at a fixed or mobile location.
- Provide equipment, supplies, and materials necessary to carry-out a public service (e.g., childcare for working parents with distance learning school kids).
- Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.

The range of activities that may be undertaken will be provided at the public hearing. In developing an application for submission to DEO, the City must plan to minimize displacement of persons as a result of planned CDBG-CV activities. In addition, the City is required to develop a plan to assist displaced persons.

The public hearing to receive citizen views concerning the community's housing, economic and other community development needs related to the coronavirus will be held on **Monday, February 22, 2021, at 5:00 PM** or as soon as possible thereafter during a regular City Commission meeting to be held at the **City of St. Augustine City Hall, City Commission Meeting Room, 75 King Street, St. Augustine, FL. 32084-4386.** If you have questions concerning the CDBG-CV application process or the list of eligible activities, please contact Mr. Corey Sakryd, Grants Administration Coordinator at (904) 209-4306, or via email to Csakryd@citystaug.com.

The meeting is being held in a handicapped accessible facility. Non-English speaking, deaf, or visually impaired persons needing an interpreter or any handicapped person requiring special accommodation should contact Mr. Corey Sakryd, Grants Administration Coordinator, at (904) 209-4306 (TDD# (800) 955-8771) (TDD) or 1(800) 955-8770 (Voice) at least 48 hours prior to the meeting.
A Fair Housing/Equal Opportunity/Handicap Accessible Jurisdiction.

ROGERS | TOWERS
ATTORNEYS AT LAW

Ellen Avery-Smith

904 . 824 . 0879 . x5207
EAverysmith@rtlaw.com

100 Whetstone Place • Suite 200
St. Augustine, Florida 32086

904 . 396 . 0663 Fax
www.rtlaw.com

February 11, 2021

VIA ELECTRONIC AND U.S. MAIL

Mayor Tracy Upchurch
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

Re: Sebastian Inland Harbor Planned Unit Development ("PUD") (Ordinance No. 2021-04)

Dear Mayor Upchurch:

I am writing on behalf of SA Marina Holdings, LLC and Seavin, Inc., the property owners within the above-referenced PUD (the "Owners'), to respectfully request that the St. Augustine City Commission postpone the first reading of Ordinance No. 2021-04 to a date to be determined.

As you are aware, City Commissioners presented the Owners and their team with a number of comments and questions regarding the proposed PUD modification application at the first reading on January 25. The Owners are working on addressing Commissioners' comments and questions but have not yet completed their work. The Owners will notify you and City Manager John Regan when they are ready to present the modified rezoning request to the City Commission. Such notice and the modified rezoning application documents will be provided to the City a minimum of 15 days prior to the requested City Commission meeting agenda date.

We appreciate your consideration of this request.

Sincerely yours,

Ellen Avery-Smith

cc: Vice Mayor Nancy Sikes-Kline
Commissioner Barbara Blonder
Commissioner Roxanne Horvath
Commissioner John Valdes
City Manager John Regan
City Planning and Building Director David Birchim
City Attorney Isabelle Lopez, Esq.
Abbas Abdulhussein

Baiji Abdulhussein
Charles Cox
Terry Moore, Esq.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: February 22, 2021

RE: Ordinance 2021-04 – Amending the Sebastian Inland Harbor Planned Unit Development

The Sebastian Inland Harbor Planned Unit Development (PUD) is a 13.5 acre site located on Sebastian Harbor Drive and Riberia Street with the San Sebastian River as the western boundary. This property has been zoned Planned Unit Development since 2004 and has gone through several modifications since then, all of which reflect the use of the property as a mixed use development with a hotel and marina, multi-family residential and restaurant/retail components.

The current PUD allows for the following uses;

- A maximum of 85 multi-family units
- A hotel with a maximum of 225 rooms with ancillary banquet and meeting rooms, restaurant, retail and spa/exercise facilities
- A maximum of 36,000 square feet of mixed commercial space
- A 65 slip marina (existing)
- the San Sebastian Winery (existing)
- 636 parking spaces

The proposed PUD amendment allows for the following uses;

- A maximum of 165 multi-family units **(increase of 80 units)**
- A hotel with a maximum of 167 rooms with ancillary banquet and meeting rooms, restaurant, retail and spa/exercise facilities **(reduction of 58 hotel rooms)**
- A maximum of 27,000 square feet of mixed commercial space **(reduction of 10,000 square feet of mixed commercial)**
- A 65 slip marina (existing)
- the San Sebastian Winery (existing)
- **elimination of a 75-foot tower feature and a 90-foot tower feature previously approved**
- **code compliant parking minus 12.5% (city staff's estimate for their parking requirement using this formula is approximately 636 spaces or more)**

On February 4, 2020, the Planning and Zoning Board considered this PUD amendment and continued the case with twelve conditions.

1. Relocate the entrance to the parking garage on Riberia Street to Sebastian Harbor Drive.
2. Provide more details on the streetscape of Sebastian Harbor Way including pedestrian and bicycle connectivity.
3. Provide limitations to the use of the multi-family components as short term (vacation) rentals.
4. Provide clarification of the intent of the multi-family residential component (rental apartments, condominiums, etc.)
5. Redesign the Riverwalk to accommodate pedestrian access between Riberia Street, Sebastian Harbor Drive and King Street
6. Provide renderings of the proposed development in the context of existing, adjacent buildings and include viewshed renderings.
7. Clarify roadway drainage improvements.
8. Provide maximum building heights.
9. Update the parking section to detail a minimum of 636 parking spaces.
10. Address how employee parking will be accommodated.
11. Provide updated language that designates HARB/CRC review for buildings subject to the King Street Design Standards.
12. Provide a public facility impact analysis.

On January 5, 2021, the Planning and Zoning Board was presented with an updated PUD amendment that addressed the above twelve conditions. The board accepted the PUD amendment and made a positive recommendation to the City Commission with six final conditions. **The PUD narrative has been updated as reflected in bold text.**

1. Clarify in the PUD narrative that the developer gets credit for the joint public/private parking along Sebastian Harbor Drive.

Page 10, "Sebastian Harbor Drive parking spaces shall count towards the project's required parking, as it was in the original PUD."

2. Reduce the maximum 75% lot coverage to a more realistic percentage.

Page 8, "Maximum lot coverage: 60 percent for the Property"

3. Address the impact of short term (vacation) rentals within the multi-family residential component.

Page 7, "No more than 35% of the multi-family units shall be available for short-term rental at any time."

4. Address the architectural design of the buildings on the property and in particular, the parking garage on the west side of the property along the San Sebastian River.

Page 11, see Sec. S – "Architectural Style"

5. Emphasize the biking, pedestrian and multi-modal pathways of the project.

Page 10, "Bicycle racks will be provided with the Property. A trolley stop will be located within the property depicted on Exhibit "D", the Site Circulation Plan."

6. Incorporate complete streets design for the Sebastian Harbor Drive component of the project.

Page 16, reference to Exhibits "G and G-1", Improvements to the streetscape of Sebastian Harbor Drive

Attached please find Ordinance 2021-04, the most recently revised (January 13, 2021) PUD narrative and site development plan as well as exhibits and accompanying legal descriptions, deeds and materials.

On January 25, 2021, the City Commission continued first reading of Ordinance 2021-04 until February 22, 2021 and asked the applicant to return with additional information.

On February 11, 2021, a letter was submitted by the applicant requesting an indefinite continuance of the rezoning application.

Please place Ordinance 2021-04 on the City Commission agenda for first reading.

If you have any questions, please let me know.

David Birchim

David Birchim, AICP
Director, Planning and Building

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE SEBASTIAN INLAND HARBOR PLANNED UNIT DEVELOPMENT (PUD), ESTABLISHED PURSUANT TO ORDINANCE NO. 2004-23 AND MODIFIED PURSUANT TO ORDINANCE NO. 2007-14, PURSUANT TO SECTIONS 28-286 THROUGH 28-291 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR AMENDED TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, s. 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and

WHEREAS, the St. Augustine Comprehensive Plan provides for a Medium Density/Mixed Use land use designation for the subject property, and associated use and density criteria for development within the designation; and

WHEREAS, s. 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, Sections 28-286 through 28-291 of the Code of the City of St. Augustine provide procedures for the establishment and amendment of a Planned Unit Development (PUD); and

WHEREAS, on December 13, 2004, the City Commission for the City of St. Augustine, Florida, passed and adopted Ordinance No. 2004-23 establishing the Sebastian Inland Harbor PUD; and

WHEREAS, on August 13, 2007, the City Commission for the City of St. Augustine, Florida, passed and adopted Ordinance 2007-14 modifying the Sebastian Inland Harbor PUD; and

WHEREAS, on January 5, 2021, the City of St. Augustine Planning and Zoning Board reviewed a request to amend the Sebastian Inland Harbor PUD and made recommendations to the City Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Modification of the Sebastian Inland Harbor Planned Unit Development. The Sebastian Inland Harbor PUD, created pursuant to Ordinance No. 2004-23 and modified by Ordinance No. 2007-14, is hereby modified in accordance with the terms and conditions provided herein.

Section 2. Terms and Conditions of the Planned Unit Development. The terms and conditions of the Sebastian Inland Harbor PUD are as presented in the attached Amended and Restated Sebastian Inland Harbor Planned Unit Development Project Text (revised January 13, 2021) and attached Exhibits, incorporated herein by reference.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

_____
Tracy Upchurch
Mayor-Commissioner

ATTEST:

_____
Darlene Galambos
City Clerk

Sebastian Inland Harbor Planned Unit Development
(including Conservation Overlay Zone Development)

City of St. Augustine, Florida

November 15, 2019
Revised January 10, 2020
Revised January 24, 2020
Revised November 30, 2020
Revised December 15, 2020
Revised January 13, 2021

Team Roster

Owners/Applicants:

SA Marina Holdings, LLC
1265 Upsala Road, Unit 1157
Sanford, Florida 32771

Seavin, Inc.
157 King Street
St. Augustine, Florida 32084

Planning/Landscape Architecture:

Marquis Latimer & Halback, Inc.
34 Cordova Street
St. Augustine, Florida 32084

Civil Engineering:

Envision Design
2002 San Marco Boulevard, Suite 203
Jacksonville, Florida 32207

Legal/Authorized Agent for Owners:

Rogers Towers, P.A.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086
(904) 825-1615

Exhibit List:

Exhibit "A" – Legal Description of the Property
Exhibit "B" – Master Development Plan
Exhibit "C" - Public Facility Impact Analysis
Exhibit "D" – Site Circulation Plan
Exhibit "E" – Landscape Standards
Exhibit "E-1" - Landscape Plan
Exhibit "F" – Conceptual Architectural Elevations
Exhibit "G" – Sebastian Harbor Drive Details
Exhibit "G-1" – Sebastian Harbor Drive Typical Section

AMENDED AND RESTATED SEBASTIAN INLAND HARBOR PLANNED UNIT DEVELOPMENT PROJECT TEXT

A. Purpose and Intent.

Pursuant to Section 28-286 of the City of St. Augustine Code (the "**Code**"), the purpose of a planned unit development ("**PUD**") zoning district is to provide an option and process for the provision of unique, individually planned developments that are consistent with the City's Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible and innovative designs for projects than the regular zoning districts allow. The intent of a PUD is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD.

This Sebastian Inland Harbor PUD text incorporates many of the provisions of the PUD text for the project approved by the City Commission in Ordinances 2007-14 and 2016-15, and includes site-specific regulations to address development and topographic conditions, historic or architectural features, and transitioning land uses. The PUD, including all exhibits hereto, complies with all applicable provisions of City Code Chapter 28.

B. Site Information.

1. Location

The property subject to this PUD ordinance is located east of the San Sebastian River, south of King Street and Sebastian Harbor Drive and west of Riberia Street in the City of St. Augustine. The property has St. Johns County Parcel Identification Nos. 203350-0000, 203350-0010, 203350-0030 and 203470-0000 (collectively, the "**Property**"). A legal description of the Property is attached as **Exhibit "A"**. The Property includes approximately 13.5 acres, of which approximately 11 acres are owned by SA Marina Holdings, LLC ("**SA Marina**") and approximately 2.5 acres are owned by Seavin, Inc. ("**Seavin**").

2. Owners and Agent

The owners of the Property are SA Marina and Seavin (sometimes collectively referred to herein as the "**Owners**"). The agent for the Owners is Ellen Avery-Smith, Esq., Rogers Towers, P.A. (the "**Agent**"). Addresses for the Owners and Agent are in the Team Roster on page 2.

3. History, Existing Approvals

The Future Land Use Map ("**FLUM**") designation of the Property is Residential Medium Density/Mixed Use. The Property was rezoned from Residential General Office ("**RGO**") to PUD in 2004 (Sebastian Inland Harbor PUD, Ordinance No. 2004-23). The PUD was modified by the City Commission in 2007 (Ordinance No. 2007-14) to change the

permitted land uses and conceptual site plan. In 2016, the PUD was again modified, but only to extend the project phasing dates set forth in Section III of the PUD text. The other details in the 2016 PUD Ordinance are identical to the 2007 PUD Ordinance.

The current PUD allows for development of a maximum of 85 condominium units, a maximum of 225 hotel rooms (with banquet facility, meeting rooms, spa and exercise facilities, restaurants and lounges, gift shops and retail space), a maximum of 36,060 square feet of retail space, a maximum of 65 marina slips, and the San Sebastian Winery (approximately 24,000 square feet). To date, the only development within the Property is the San Sebastian Winery, which is located on one of the parcels owned by Seavin, and a marina situated on land owned by SA Marina. The remainder of the Property is vacant.

4. Summary of Proposed Development

The Owners are proposing to revise the development plan for the Property to include a maximum of 165 multi-family residential units (apartments), a maximum of 167 hotel rooms (with a banquet hall and meeting rooms, restaurant, lounge, spa and exercise facilities and gift shop), a maximum of 27,000 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery (approximately 24,060 square feet of retail/commercial space). A master development plan depicting the locations of the proposed land uses is attached as **Exhibit "B"** (the "**Master Development Plan**"). City staff shall be permitted to approve minor deviations from the Master Development Plan.

The proposed development plan reflects a reduction of 58 hotel rooms and approximately 10,000 square feet of retail space in exchange for an increase of 80 multi-family units. The Owners have also eliminated the previously approved 75-foot and 90-foot towers approved for the project in 2007.

The Property includes approximately 11.5 acres of uplands and approximately two (2) acres of submerged land, where the marina and seawall are located. There are no wetlands on the Property.

The project is exempt from the requirements of the Concurrency Management Ordinance (Ordinance No. 91-23 and Article II, Section 21-26 through 21-60 of the Code), pursuant to Ordinance No. 2007-14.

C. Proposed Development (Code Section 28-289 provisions in BOLD).

1. **Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property.**

As set forth in Section B.3 above, the Property has a FLUM designation of Residential Medium Density/Mixed Use.

City Comprehensive Plan Future Land Use Element ("**FLUE**") 1.3 states that Residential Medium Density/Mixed Use ("**RMD/MU**") areas allow medium intensity commercial and medium density residential land uses. The RMD/MU designation encourages a

mixture of residential and commercial developments. Projects are encouraged to include a cohesive design to create identity. The Owners intend to construct multi-family units, hotel rooms, retail/commercial space, a marina (existing), and the San Sebastian Winery (existing) in a cohesive design, in compliance with this Comprehensive Plan policy.

Future Land Use Element Objective 4 encourages the use of innovative and sustainable land development practices that maximize the use of existing services and facilities, such as planned unit developments. The Sebastian Inland Harbor project is a mixed-use PUD and will connect to existing utilities and other infrastructure, which have capacity to serve the Property. The Property is located adjacent to King Street, Riberia Street and Sebastian Harbor Drive, which are public roads. The project will provide ample parking for residents and guests, who can park their cars before getting into the City center and walk or take trolleys to the City center.

The Transportation Element Goal emphasizes the maintenance of a coordinated multimodal transportation system which provides for the safe, efficient and economical movement of people, goods and services and protects the City's natural, cultural and historical resources. The project is located in downtown St. Augustine, within walking distance of most destinations. Project visitors can park their cars at the hotel and walk, bike or take trolleys to destinations throughout downtown. Many retail/commercial customers will either be staying at the hotel or living in multi-family units within the Property or in nearby Lincolnville and can walk or bike to the site. Ample parking will be available on the Property.

Transportation Element Objective 1.5 requires the City to identify and pursue strategies to reduce the vehicle miles traveled by establishing locations for compact, mixed-use development, increasing opportunities for job creation proximate to higher density residential, facilitating future opportunities for transit-oriented development and encouraging new developments to be connected by roadways, bikeways and pedestrian systems that encourage travel between neighborhoods and access to transit without requiring use of the major thoroughfare system. The Sebastian Inland Harbor PUD meets all of these objectives by providing a mixed-use development and creating jobs within the same Property where people live. The Property is connected to downtown St. Augustine and Lincolnville by roadways, bikeways and pedestrian systems. The Property is already on trolley and other transit routes.

Recreation and Open Space Element Policy 4.1 requires certain residential developments to provide parks and recreational facilities, based on the number of proposed units. For development of 100 or more units, this parkland or open space must provide at least one (1) active recreational facility and one (1) passive recreational facility per 100 units. The Sebastian Inland Harbor PUD will meet this requirement by providing recreational amenities such as a swimming pool, indoor workout facilities and other amenities to residents within the multi-family buildings and walking paths throughout the site which are interconnected to the river walk and adjoining sidewalks.

The Conservation and Coastal Management Element Goal is to protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. The Property does not contain any environmentally sensitive lands, vegetative communities or wildlife habitats.

Conservation and Coastal Management Policy 2.1.1 requires the City to maintain three (3) Conservation Overlay Zones ("**COZs**"). Conservation Overlay Zone 1 allows passive recreation, wildlife preservation and conservation areas, green space, and fishing piers, boat docks, and other water dependent uses, including boat ramps and marinas. Conservation Overlay Zone 2 allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off-street parking areas; and residential development, provided that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category. Conservation Overlay Zone 3 allows a variety of land uses and development subject to performance standard requirements governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations. The Sebastian Inland Harbor project will comply with all applicable COZ requirements enumerated in Conservation and Coastal Management Policies 1.1 and 1.5, as set forth more fully in Subsection C.3.p hereof.

The Infrastructure Element requires the provision of sanitary sewer, potable water and solid waste services to support intended development. The Sebastian Inland Harbor project will connect to the City's existing sanitary sewer and potable water systems, at the expense of the Owners (in compliance with Capital Improvement Objectives 4 and 5), and will make improvements to the extent required solely for the project. The project will use water-wise landscaping where practicable. The project will also utilize City solid waste services. The Stormwater Management Sub-Element requires developments to provide their own stormwater management systems. The project will comply with this requirement.

Capital Improvement Element Objective 6 and Public School Facilities Element Goal 2 require the City to ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for public schools. SA Marina will apply to the St. Johns County School Board for school concurrency and will pay any required proportionate share and/or impact fees required by the School Board for its proposed multi-family residential units.

2. **For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.**

Not applicable.

3. **The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.**

The Owners desire to amend the existing PUD for the Property in order to provide an updated development plan that more fully meets current and future needs of the City in this area. The following development standards shall apply to the Property:

a. Allowable uses: Allowable uses within the Property shall be a maximum of 165 multi-family residential units (apartments), a maximum of 167 hotel rooms (with a banquet hall which may be used as a special event venue and meeting

rooms, restaurant, lounge, spa and exercise facilities and gift shop), a maximum of 27,000 square feet of retail/commercial space, a maximum of 65 marina slips with ancillary facilities (including fuel sales), the existing San Sebastian Winery (approximately 24,060 square feet), all other uses permitted in the Residential General Office ("RGO") zoning district, and surface parking and/or parking garages to accommodate the aforementioned uses. The retail/commercial space may include:

1. Restaurants with indoor and outdoor sales, including the sale of alcoholic beverages;

2. Retail sales such as specialty food stores and drugs, clothing and toy and hobby shops, pet shops (but not kennel or veterinarian offices), bookstores and newsstands, stationery and card shops, leather goods and luggage shops, jewelry stores, art and photographic supply shops, TV and stereo equipment (including incidental repairs) stores, florists or gift shops, bake shops (but not wholesale bakeries), sporting goods stores, sundries and notions stores, business office supply stores, musical instrument shops, records and tapes stores, retail sale of alcohol and similar products with no exterior display or storage of merchandise permitted;

3. Museums;

4. Bars, taverns and wineries, with indoor and outdoor sales;

5. Professional and business offices;

6. Convention centers and conference centers;

7. Spas;

8. Short-term rentals, subject to the terms set forth in this Section C.3. No more than 35 percent of the multi-family units shall be available for short-term rental at any time;

9. Special event venues (including within the hotel banquet hall); and

10. All accessory uses and structures allowed by Section 28-348 of the Zoning Code in effect at the time of approval of the PUD, including but not limited to recreational and other amenities to serve the development.

The locations of the proposed uses are depicted on the Master Development Plan, **Exhibit "B"**.

The multi-family apartment units shall include recreational facilities including a swimming pool, indoor fitness center and other facilities. Any short-term rental

units within the project will comply with City Ordinance No. 2019-50, provided that parking shall be as provided in Section C.3.g hereof.

The project will include walking paths that connect to sidewalks along King and Riberia streets for residents' enjoyment.

b. Setbacks: The minimum building setbacks are as follows:

1. A minimum of ten (10) feet from each property line along King Street, Sebastian Harbor Drive and Riberia Street.

2. There shall be no building setbacks required within the interior of the Property.

c. Maximum building height: Buildings shall not exceed 50 feet in height, with an allowance of an additional eight (8) feet above the roof for mechanical equipment and architectural elements. Building height shall be measured from 10.0 NAVD. Due to known flooding at this location and to plan for site resiliency since it is located adjacent to the San Sebastian River, the project is providing an additional 3.0 feet of freeboard, which will result in a minimum finished floor elevation of 10.0 feet NAVD for enclosed structures (excluding parking garages and existing structures that will remain on the Property).

d. Minimum lot size: None.

e. Minimum lot width: None.

f. Maximum lot coverage: 60 percent for the Property.

g. Master Development Plan Details: The Master Development Plan attached as **Exhibit "B"** has been prepared prior to project engineering and architecture being completed. Minor adjustments to building and parking locations shall be permitted in order to conform to final engineering plans approved by the City. Any such minor adjustments must comply with the requirements of this PUD text.

h. Parking: On-site parking will be provided per the requirements of the City's 2020 Land Development Regulations, which are set forth in the table below, less 12.5 percent to account for shared parking between land uses, as follows:

Land Use	**2020 City Code Requirement**
Multi-Family Residential	1 bedroom – 1.5 spaces per unit 2 bedrooms – 2 spaces per unit 3 or more bedrooms – 2.25 spaces per unit
Hotel	1 space per room 4 spaces per 1,000 sq. ft. for meeting/banquet rooms
Retail/Commercial with Restaurant (including outdoor seating)	1 space per 300 sq. ft. for Retail/Commercial 1 space per 4 patrons and 1 space per 200 sq. ft. of non-patron area
Restaurant (outside of hotel)	1 space per 4 patrons and 1 space per 200 sq. ft. of non-patron area
Marina	1 space per 2 boat slips
Winery	1 space per 450 sq. ft.

Parking among the various land uses within the PUD will be shared. For example, hotel guests and project multi-family residents will park on the Property and visit the Winery, restaurants and shops on site. Similarly, visitors to the restaurants and shops within the Property can walk to the site or ride a trolley or other transit to the project, without having to park a car. Historically, 35 percent of the visitors to the Winery arrive by trolley, which reduces the demand for on-site parking. For these reasons, the PUD will be provided a 12.5 percent reduction in year 2020 Code-required parking, as calculated per the table above.

Parking may be provided in surface lots and in parking garages. The Master Development Plan depicts two parking garages - one for the multi-family building and the second for the non-residential uses within the Project. Parking in the multi-family garage will only be available to residents (including tenants of short-term rentals) of the multi-family building. The other garage will be available for parking by visitors to the hotel, restaurants, commercial space and other non-residential components of the project, as well as to the general public when space allows. Employee parking will be provided within the Property, either in surface lots or a parking garage. The Owners shall be permitted to designate certain spaces within the non-residential parking garage and non-residential parking lots for use by certain businesses within the Property (e.g., the marina). During project construction, temporary parking may be located within

temporary parking lots anywhere within the Property. Parking spaces located within any parking garage or garages will be nine (9) feet wide by 18 feet deep. The Owners shall be permitted to construct parking spaces within a portion of the Property along Sebastian Harbor Drive (which parking spaces may extend into the right-of-way), in the locations depicted on the Master Development Plan, in cooperation with the City of St. Augustine for the benefit of the project. Such Sebastian Harbor Drive parking spaces shall count toward the project's required parking, as it was in the original PUD. Such spaces will be available for use by the general public and will be metered by the City. On-site surface parking lots and on-street parking spaces will be 9.5 feet wide by 19 feet deep. This is a mixed-use project that contains a variety of non-residential and residential uses. Those uses have parking requirements that vary depending on time of day and day of the week. Thus, the Owners will provide parking that meets the needs of the Project without overparking the site. The minimum number of parking spaces that will be provided per individual land use are set forth in the table above.

i. Signage: Project signage will be categorized as Commercial Zone 3, the requirements for which are set forth in Section 3-66(c) of the Code. Each building within the project shall be permitted to have one freestanding ground sign along the street adjacent to such building. The project shall be permitted to have freestanding ground signs along King Street, Riberia Street and Sebastian Harbor Drive that identify each tenant within the project. The aforementioned ground signs shall be permitted within the project, regardless of the street frontage along King Street, Riberia Street and Sebastian Harbor Drive. The maximum square footage of such ground signs shall be calculated as if street frontage was 200 feet and over.

j. Roads: Roadways within the Property will be owned and maintained by the Owners, subject to recorded access and utility easement and maintenance agreements. Access to the parking garages will be in the locations depicted on the Master Development Plan, **Exhibit "B"**. The parking garage that serves the residential units may be access controlled.

k. Sidewalks: A five (5)-foot-wide sidewalk will be constructed on the south side of Sebastian Harbor Drive and the west side of Riberia Street within the Property, to the extent such sidewalks do not already exist. The project will also include internal sidewalks to connect the various uses. Primary pedestrian connections will be from Sebastian Harbor Drive.

l. Bicycles/Multi-Modal: Bicycle racks will be provided within the Property. A trolley stop will be located within the Property, in the location depicted on **Exhibit "D"**, the Site Circulation Plan.

m. Stormwater: The Owners will provide a stormwater management system for the proposed development, in compliance with applicable City and St. Johns River Water Management District ("**District**") requirements. The stormwater management system for the Project will be designed to accommodate drainage from Sebastian Harbor Drive in accordance with City and District requirements.

It is understood that because the system discharges to the San Sebastian River, the Project will not meet the City's on-site retention requirements because it will not discharge into the City's storm sewer system, but the project will meet applicable state and federal storm discharge requirements.

n. Lighting. Project lighting shall comply with applicable Code provisions.

o. Accessory Uses. Project accessory uses shall comply with applicable Code provisions.

p. Temporary Uses. Project temporary uses shall comply with applicable Code provisions. Temporary offices and construction trailers shall be allowed on the Property during construction of any building and may be moved throughout the site if necessary but shall be removed within 30 days of issuance of a final Certificate of Occupancy by the City for the final building within the Property. Parking may be provided for the temporary offices and trailers in a temporary defined, but unpaved, area which meets applicable Code provisions.

q. Utilities: Project shall comply with applicable Code requirements. Stormwater will be provided pursuant to a permit issued by the St. Johns River Water Management District.

r. Landscaping: Project landscaping will comply with the landscape standards contained in **Exhibit "E"** attached hereto. A landscape plan is attached as **Exhibit "E-1"**.

s. Architectural Style: The exterior design of buildings within the PUD will be of similar character as residential and non-residential structures located in downtown St. Augustine, east of the San Sebastian River. Colors will be natural or earth tones. Materials may be masonry, brick, stone, stucco, metal, lap siding, batten cementitious siding, wood or wood-simulation materials like fiber cement cladding. Long monotonous façade designs, including those characterized by unrelieved repetition of shape or form to design elements, will be avoided. The west side of the non-residential parking garage facing the San Sebastian River will include colonnades. Conceptual architectural elevations are attached hereto as **Exhibit "F"**.

t. Tree Mitigation: Project tree removal and replacement will comply with applicable provisions of Code Chapter 25, Article III.

u. Conservation Overlay Zone Development: Chapter 11, Article II, Sections 11-26 through 11-30 of the Code set forth criteria for development within conservation overlay zones ("**COZs**"). Portions of the Property lie within COZs 1, 2 and 3, and development of the Property will comply with applicable provisions of Sections 11-26 through 11-30.

Code Section 11-29(a) allows permits for structures and uses located within COZ 1 to be issued only for such structures and uses which have received

permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. Code Section 11-29(b) allows permits for structures and uses located within COZ 2 to be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect.

The predecessor-in-interest to SA Marina constructed a 65-slip marina within the Property approximately 12 years ago. The marina was constructed pursuant to Ordinance No. 2007-14, which included a COZ 1 analysis for the marina.

For the portions of the Property located within COZ 2, the Owners provide the following information in response to Code Section 11-29(c) criteria (with Code criteria in BOLD below):

1. **Site specific conditions.**

   See the Master Development Plan for site development details.

2. **The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.**

   See the Master Development Plan for site development details.

3. **Natural and proposed drainage patterns.**

   The Property is bounded on the west by the San Sebastian River. The existing ground surface slopes toward the river.

4. **Effect of point and nonpoint discharge in the marine environment.**

   The point discharges will be routed through a system of underground treatment chambers for water quality treatment prior to discharge into the river, which will be compliant with all applicable state and federal requirements.

5. **Proposed soil stabilization and erosion control methods.**

   Standard erosion control methods will include silt fencing around the perimeter of the developed areas, inlet protection during construction, hay bale barriers at the outfalls and floating turbidity barriers within the onsite ditch during road crossing construction. All disturbed areas will be seeded and mulched to establish vegetation to ensure minimal erosion after construction is complete.

6. **Impact on floodplain.**

Because the San Sebastian River is an open basin that has a direct connection to the Atlantic Ocean, the impacts to the floodplain will be minimal.

7. **Impact of development on vegetative and animal communities.**

The Property contains no wetlands or significant plant or animal habitat.

8. **Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.**

Because the Sebastian Inland Harbor PUD will include multi-family, hotel and retail/commercial uses that do not permit the use of hazardous chemicals and materials, there is no potential for contaminated drainage, storage of pollutants or the use of poisonous chemicals or materials from those uses. The marina will be permitted to have fuel sales and will meet the Florida Department of Environmental Protection clean marina criteria to prevent contamination of the San Sebastian River.

9. **Effect of shade on vegetation and shellfish.**

The marina was constructed pursuant to Ordinance No. 2007-14. No other structures are proposed within COZ 1.

10. **Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.**

The proposed development will have no effect on manatees, vegetation, shellfish or wildlife, not will it cause shoreline erosion because it is located within upland areas of the site. The marina was constructed pursuant to Ordinance No. 2007-14.

11. **Impact of development on shoreline by linear feet and percent of site.**

There will be no additional impact to the shoreline.

12. **Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.**

The Conservation Overlay Zone 1 Development includes the previously approved marina. The impacts of the marina were addressed in Ordinance No. 2007-14.

The proposed multi-family homes, hotel rooms and retail/commercial space will be located within Conservation Overlay Zones 2 and 3.

Those uses will be limited to the building height set forth in Section 3.c hereof so their impacts to vistas and scenic opportunities from surrounding lands will be minimal. Surrounding lands include existing and approved uses for hotels and other structures to heights of 50 feet, with architectural features extending above 50 feet.

13. **Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.**

The Property will be reestablished with native and/or Florida Friendly landscape material. Definitions for each ("native" and "Florida Friendly") shall be per University of Florida / IFAS. Landscape schedule shall indicate whether plantings are native and/or Florida Friendly.

No invasive plant material (as defined by the State of Florida) shall be included.

14. **Impact of development on plant and animal habitat and potential loss in acres and percent of site.**

The Property does not contain any significant plant or animal habitat.

15. **Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)**

Stormwater runoff from the Property and Sebastian Harbor Drive will be routed to an approved water management system permitted by the City and the District.

16. **Impact of development on shellfish and on commercial and sport fish and waterfowl.**

The project will have no impact on shellfish or on commercial or sport fish or waterfowl because all stormwater runoff from the Property will be routed to a District-permitted surface water management system. The development will be located on upland areas of the site.

17. **Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.**

No docks, other than the previously approved marina, are proposed.

4. **Compliance with the purpose and intent and criteria in Code Section 28-286.**

The Sebastian Inland Harbor PUD complies with Code Section 28-286 by:

a. Promoting more efficient and economic use of land by offering a true mixed-use development where residents can live, work and play on a site ripe for urban infill.

b. Encouraging a more compatible and harmonious development of contiguous lands by integrating uses within one project;

c. Providing flexibility to meet changing needs, technologies, economics and consumer preferences in the Master Development Plan and this text;

d. Providing a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;

e. Demonstrating the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned development's relationship with the existing and preferred architectural context surrounding the project;

f. Providing an environment of consistent character compatible with the surrounding areas; and

g. Permitting specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

5. **Compliance with Code Section 28-288 and justification for any zoning uses.**

As stated in Section C.3 hereof, the allowable uses within the Property shall be a maximum of 165 multi-family residential units (apartments), a maximum of 167 hotel rooms (with a banquet hall and meeting rooms, restaurant, lounge, spa and exercise facilities and gift shop), a maximum of 27,000 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery. A master development plan depicting the locations of the proposed land uses is attached as **Exhibit "B", Master Development Plan**. The proposed residential and commercial uses are permitted in the Residential Medium Density/Mixed Use FLUM designation for the Property.

Development standards for the Property are set forth in Section C.3 hereof. These standards will mitigate for any negative impacts of the development on surrounding lands.

Benefits to the community from the Sebastian Inland Harbor project include:

a. Providing parking spaces available for public use, with metering by the City to generate revenue for the City.

b. Improvements to the streetscape of Sebastian Harbor Drive, including pavement, sidewalks/multi-use paths, parking, lighting, landscaping and appropriate utility coordination, in conjunction with the City. See **Exhibits "G" and "G-1"** for a conceptual plan for the improvement of Sebastian Harbor Drive and a conceptual typical section for the same.

c. Providing a true mixed-use infill project, where residents can live, work and play, in downtown St. Augustine and Lincolnville.

d. Locating the project in an area where residents and visitors can park their cars and walk between land uses, or where people can walk or take trolleys from other downtown venues.

e. Utilizing existing infrastructure, at no cost to the City.

f. Providing much-needed multi-family housing in the downtown core.

g. Increasing the number of jobs available to City residents, thus allowing them to work locally, even within walking and biking distance from their homes.

h. Providing on-street parking for the public, at project expense.

i. Constructing improvements to Sebastian Harbor Drive and landscaping along the street to enhance the appearance of this area of the City.

6. **The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit.**

The Sebastian Inland Harbor project will be developed in one (1), ten (10)-year phase. Construction shall commence within three (3) years of the City Commission's adoption of this PUD ordinance and shall be completed within ten (10) years of commencement. For purposes of this PUD, "commencement" shall be defined as the City's approval of horizontal construction plans, and "completion" shall be defined as the City's approval of as-builts for horizontal improvements.

Architectural plans for the portion of the Property within the King Street Design Corridor will meet applicable Code provisions; provided, however, project or building entrances shall not be from King Street and building heights shall comply with this PUD. Building entrances shall be from interior to the site. The *King Street Design Standards for Entry Corridors* shall be applied by the Corridor Review Committee. The existing winery building is vested within the *King Street Design Standards for Entry Corridors*.

7. **Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.**

The Owners will record one or more access and utility easement and maintenance agreements against title to their respective lands to ensure for the continuing operation and maintenance of project infrastructure.

8. **A termination date after which the PZB shall be required to evaluate whether all or part of the PUD has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) or other circumstances have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.**

This PUD shall terminate 15 years from its adoption by the City Commission unless otherwise extended or amended pursuant to the Code or Florida law.

9. **If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.**

The proposed PUD is consistent with the underlying future land use designation of the Property.

10. **An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city.**

A public facility impact analysis that outlines the project's potential impacts on transportation networks, circulation patterns and infrastructure is attached as **Exhibit "C"**.

11. **A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearing relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing, termination and reversion clauses.**

See Section E hereof.

D. Performance Standards (Code Section 28-291).

1. **Density of development.** The project will include a maximum of 165 multi-family units on approximately 11.5 developable acres, yielding a net density of 14.3 units per acre. The proposed density is consistent with Residential Medium Density/Mixed Use FLUM designation for the Property.

2. **Open space.** The project will include approximately 5.2 acres of open space within the entranceway to the hotel, within the marina and along the waterfront, and between the various land uses and adjacent to the San Sebastian River, as depicted on the Master Development Plan.

3. **Waiver of yard, dwelling unit, frontage criteria and use restriction.** See Section C.3 hereof for these criteria and waivers from such requirements. Those waivers are detailed in Subsection C.3.c (Building Height), C.3.h (Parking), C.3.i (Signs) and C.3.r (Landscape Buffer Yard).

4. **Management and maintenance of open space areas.** All common property within the PUD will be owned, operated and maintained by the Owners.

5. **Community facilities.**

a. **All utility facilities proposed for dedication to St. Augustine must be acceptable by the city as to the size, shape and location, and shown by the applicant to be of benefit to the general public.**

The project will connect to existing City utility lines and will make improvements to such systems to the extent required solely to serve the project. The Owners will work with the City regarding any proposed dedication of utility lines, in compliance with applicable Code requirements.

b. **All requirements for off-street parking and loading shall apply to the PUD unless otherwise waived or modified.**

See Section C.3.h for parking standards.

c. **Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.**

The project will provide adequate access and circulation for emergency and other access, including access for large vehicles.

d. **Provide for underground installation of utilities, including telephone, power and cable television in both public and private rights-of-way. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwater and prevent erosion and formation of dust.**

The project will provide for underground utilities to the extent practicable.

e. **Specifications for street design, publicly used driving and access aisles, sidewalks and pedestrian walkways, including those providing interconnectivity between phases of the PUD or between the PUD and adjacent properties, shall conform to the rules and regulations adopted by the City of St. Augustine.**

See Section C.3 for street and sidewalk design criteria. The Master Development Plan shows interconnectivity within the Property and with adjacent lands.

f. *General development patterns.* **Residential subdivisions and mixed-use subdivisions shall provide a master tree plan, a master stormwater plan, an overall signage plan, any applicable overall design standards, descriptions of interconnectivity between areas within the PUD and connections to areas outside of the PUD proper, and general descriptions of how the PUD will create a sense of place.**

Not applicable.

E. **Ownership Agreement.**

The Owners, on behalf of themselves and their successors and assigns, hereby agree and stipulate to proceed with the proposed development in accordance with the PUD ordinance for this application as adopted by the City of St. Augustine City Commission. The Owners also agree to comply with all conditions and safeguards established by the St. Augustine City Commission with respect to this Planned Unit Development application.

One or more Community Development Districts ("**CDD**") may exist within the Project. Any CDD approved pursuant to Chapter 190, Florida Statutes, may finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain projects, systems and facilities for the purposes described in Section 190.012, Florida Statutes. Construction or funding by any such CDD of any or all such projects within or without the boundaries of the CDD necessary to serve the development approved hereunder is expressly approved. If the Owners of the PUD are required to provide, pay for or otherwise cause to be provided, infrastructure, projects, systems or facilities set forth in Chapter 190, Florida Statutes, including without limitation, those in Section 190.012(1) and (2), Florida Statutes, then the CDD independently may satisfy such obligations.

To the extent any such obligation under this PUD is met or performed by a CDD, then the Owner shall no longer be subject to the obligation. In the event that any contributions of land, money (including "fair share payments"), or improvements funded or constructed with funds from a CDD are required by then current law to give rise to impact fee credits to the CDD, then such impact fee credits shall be established in the name of the CDD. The amount of such credit shall be determined in accordance with applicable law and City ordinance as established by the City.

SA Marina Holdings, LLC,
a Florida limited liability company

By:_____
Name:_____
Title:_____
Date:_____

Seavin, Inc., a Florida corporation

By:_____
Name:_____
Title:_____
Date:_____

EXHIBIT "A"

Sebastian Inland Harbor Legal Description

The land referred to herein below is situated in the County of St. Johns, State of Florida, and is described as follows:

A parcel of land in the city of St. Augustine, Florida, on the East side of the San Sebastian River and South of King Street, said parcel of land being more particularly described as follows:

Commencing at the Intersection of the South line of King Street with the East line of Malaga Street (vacated); thence South 82 degrees 15 minutes 07 seconds West, assumed bearing along said South line of King Street, 195.85 feet; thence South 07 degrees 44 minutes 53 seconds East, 13.76 feet to the Point of Beginning of the parcel of land to be described; thence continue South 07 degrees 44 minutes 53 seconds East 78.05 feet; thence North 82 degrees 15 minutes 07 seconds East, 150.02 feet; thence North 08 degrees 07 minutes 14 seconds West, 59.38 feet to the point of curvature of a tangential curve concave to the Southwest having a radius of 24.40 feet; thence Northwesterly 21.35 feet along the arc of said curve through a central angle of 50 degrees 07 minutes 39 seconds (chord bearing North 33 degrees 11 minutes 03 seconds West for 20.67 feet); thence South 82 degrees 15 minutes 07 seconds West, not tangent to said last mentioned curve, 140.75 feet to the Point of Beginning.

Together with:

PARCEL C:

A parcel of land in the City of St. Augustine, Florida, on the East side of the San Sebastian River and South of King Street, said Parcel being a portion of Block 46 K, according to the Map of the City of St. Augustine, dated January 1, 1905, said parcel of land being more particularly described as follows:

Commencing at the Intersection of the Southerly right-of-way line of King Street with the Easterly right-of-way line of Sebastian Harbor Drive (formerly Malaga Street); thence South 82°15'07" West, along the Southerly right-of-way line of King Street, a distance of 265.32 feet to the Point of Beginning of Parcel C; thence South 84°22'01" East, departing said Southerly right-of-way line of King Street, a distance of 49.56 feet; thence South 87°12'35" East, a distance of 21.28 feet to the Northwest corner of Parcel E as described in Official Record 1289, Page 1246; thence South 07°48' 29" East, along the westerly line of said Parcel E, a distance of 78.04 feet to the Southwest corner of said Parcel E; thence North 82°19'09" East, along the southerly line of said Parcel E, a distance of 150.02 feet to the Southeast corner of said Parcel E, said point also being a point on the westerly right-of-way line of Sebastian Harbor Drive; thence South 08°02' 40" East, along said westerly right-of-way line of Sebastian Harbor Drive, a distance of 48.90 feet; thence South 03°06'47" East, continuing along said westerly right-of-way line of Sebastian Harbor Drive, a distance of 28.42 feet to the Northeast corner of Parcel D as described in Official Record 3960, Page 1775; thence South 82°08'16" West, along the northerly line of said Parcel D, a distance of 102.17 feet to the Northwest corner of said Parcel D; thence South 08°38'46" East, along the westerly line of said Parcel D, a distance of 109.61 feet to the Southwest corner of said Parcel D; thence South 07°18'34" East, a distance of 51.85 feet; thence South 82° 27' 42" West, a distance of 123.76 feet; thence North 07°58'34" West, a distance of 160.66 feet; thence South 82° 08' 16" West, a distance of 275.20 feet, more or less to the Middle of the Channel of the San Sebastian River thence North 16°21' 50" West, along said Middle of the Channel a distance of 171.78 feet to the aforementioned Southerly right-of-way line of King Street; thence North 82°15'07" East, along said Southerly right-of-way line of King Street, a distance of 308.72 feet, more or less, to the Point of Beginning.

PARCEL D:

A parcel of land in the City of St. Augustine, Florida, on the East side of the San Sebastian River and South of King Street, said parcel being a portion of Block 46K, according to the Map of the City of St. Augustine, dated January 1, 1905, said parcel of land being more particularly described as follows:

Commence at the intersection of the Southerly right of way line of King Street with the Easterly right of way line of Sebastian Harbor Drive (Formerly Malaga Street); thence South 07°01'36" East, departing said Southerly right of way line of King Street, along said Easterly right of way line of Sebastian Harbor Drive, a distance of 278.34 feet to the intersection of said Easterly right of way line of Sebastian Harbor Drive and the Southerly right of way line of Sebastian Harbor Drive (Formerly Loriada Street); thence North 79°55'51" West, a distance of 45.06 feet to the Point of Beginning of Parcel D; thence continue North 79°55'51" West, a distance of 9.86 feet; thence North 03°06'47" West, a distance of 93.06 feet; thence South 82°08'16" West, a distance of 102.17 feet; thence South 08°38'46" East, a distance of 109.61 feet; thence North 82°28'34" East, a distance of 102.36 feet; thence North 07°51'44" West, a distance of 14.44 feet to the Point of Beginning.

Together with:

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, FLORIDA, ON THE EAST SIDE OF THE SAN SEBASTION RIVER AND SOUTH OF KING STREET, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF KING STREET WITH THE EAST LINE OF MALAGA STREET (VACATED); THENCE SOUTH 82 DEGREES 15 MINUTES 07 SECONDS WEST, ASSUMED BEARING ALONG SAID SOUTH LINE OF KING STREET 196.85 FEET; THENCE SOUTH 07 DEGREES 44 MINUTES 53 SECONDS EAST 13.76 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE CONTINUE SOUTH 07 DEGREES 44 MINUTES 53 SECONDS EAST 78.05 FEET; THENCE NORTH 82 DEGREES 15 MINUTES 07 SECONDS EAST 150.02 FEET; THENCE NORTH 08 DEGREES 07 MINUTES 14 SECONDS WEST 59.38 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 24.40 FEET; THENCE NORTHWESTERLY 21.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50 DEGREES 07 MINUTES 39 SECONDS (CHORD BEARING NORTH 33 DEGREES 11 MINUTES 03 SECONDS WEST FOR 20.67 FEET); THENCE SOUTH 82 DEGREES 15 MINUTES 07 SECONDS WEST, NOT TANGENT TO SAID LAST MENTIONED CURVE, 140.75 FEET TO THE POINT OF BEGINNING.

SUBJECT TO DECLARATION OF COVENANTS AND RESTRICTIONS, CITY OF ST. AUGUSTINE SAN SEBASTIAN MARINA, AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 1113, PAGE 716, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

THE PROPERTY DESCRIBED HEREIN IS SOLD SUBJECT TO ZONING ORDINANCES, DEED RESTRICTIONS AND LIMITATIONS OF RECORD AND PUBLIC EASEMENTS OF RECORD, INCLUDING RESTRICTIONS SET FORTH ABOVE, (HEREINAFTER REFERRED TO AS "COVENANTS"). THE PROPERTY MAY BE USED FOR A WINERY OR ANY USE PERMITTED BY FEDERAL, STATE AND LOCAL REGULATIONS, PROVIDED THAT SUCH USES ARE IN ACCORDANCE WITH THE COVENANTS. NOTWITHSTANDING THE TERMS OF THE COVENANTS, GRANTOR SHALL NOT EXERCISE ANY RIGHT IT MAY HAVE UNDER THE COVENANTS TO CHANGE OR LIMIT THE USE OF THE PROPERTY WITHOUT OBTAINING THE CONSENT OF GRANTEE AND ANY MORTGAGEE OF THE PROPERTY. EXCEPT THOSE CHANGES WHICH THE GRANTOR IN ITS CAPACITY AS A MUNICIPAL CORPORATION, MAY ENACT BY ORDINANCE OR RESOLUTION.

THE GRANTOR HEREBY CONVEYS TO GRANTEE A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS/EGRESS AND PARKING WITHIN THE COMMON AREAS OF THE PROPERTY DESCRIBED WITHIN THE COVENANTS AS THEY EXIST AT THE TIME OF THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, THE PROPERTY DESCRIBED ON EXHIBIT "A-1", AND INCLUDING ANY ADDITIONS COMMON AREAS WHICH MAY BE CREATED FROM TIME TO TIME, SUBJECT TO REASONABLE RULES AND REGULATIONS PROMULGATED BY THE CITY, AT ITS SOLE DISCRETION FOR THE BENEFIT OF THE CITY AND ALL OWNERS OF PROPERTY WITHIN THE AREA DESCRIBED IN THE COVENANTS, WHICH EASEMENT SHALL BE APPURTENANT TO THE FEE CONVEYED HEREIN.

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THE GRANTOR WILL PROVIDE, AT A MINIMUM, SUFFICIENT PARKING WITHIN 200 FEET OF THE PROPERTY CONVEYED HEREIN TO ENSURE THAT THE GRANTEE HAS SUFFICIENT PARKING TO MEET ALL REQUIREMENTS APPLICABLE UNDER THE CODE OF THE CITY OF ST. AUGUSTINE FOR THE WINERY USE NOW OR HEREAFTER EXISTING ON THE SITE. IN THE EVENT THAT THE GRANTEE CONSTRUCTS IMPROVEMENTS WHICH NECESSITATE THE CREATION OF ADDITIONAL PARKING TO MEET CODE REQUIREMENTS, THE GRANTOR AGREES TO COMPLETE SUCH PARKING IMPROVEMENTS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

THE INITIAL ASSESSMENT FOR MAINTENANCE AS SET FORTH IN ARTICLE IV OF THE COVENANTS SHALL BE $125.00 PER MONTH, PAYABLE ON A MONTHLY BASIS, COMMENCING JANUARY 1, 1998. THEREAFTER, THE MONTHLY ASSESSMENT SHALL BE ADJUSTED IN ACCORDANCE WITH THE COVENANTS.

PARCEL 1
(FEC Property/OR 806-PG 1653-1654)

A parcel of land in the City of St. Augustine, Florida, on the East side of the San Sebastian River and South of King Street, said parcel of land being more fully described as follows:

Beginning at the intersection of the South line of King Street with the East line of Malaga Street (vacated); thence North 82 degrees 15 minutes 07 seconds East, on said South line of King Street, 186.50 feet; thence South 6 degrees 56 minutes 30 seconds East, on the West line of property occupied by Goodyear Auto Service Center, 238.63 feet; thence North 81 degrees 58 minutes 14 seconds East, on the North line of vacated Lorida Street, 7.85 feet; thence South 6 degrees 56 minutes 30 seconds East, across the East end of the vacated portion of Lorida Street, 40.00 feet; thence North 81 degrees 58 minutes 14 seconds East, on the South line of Lorida Street, 92.15 feet; thence South 6 degrees 56 minutes 30 seconds East 108.02 feet; thence South 82 degrees 16 minutes 44 seconds West, on the North line of land now or formerly of St. Augustine Gas Company, 286.61 feet; thence continuing South 82 degrees 16 minutes 44 seconds West 610 feet more or less to the centerline of the channel of the San Sebastian River; thence Northerly on said centerline of the channel 392 feet more or less to said South line of King Street; thence North 82 degrees 15 minutes 07 seconds East, on said South line of King Street, [illegible] feet more or less to the point of beginning; and containing 6.72 acres more or less.

PARCEL 1 (continued)
(FEC Property/OR 806-PG 1653-1654)

EXCEPT that portion of the aforementioned parcel lying North of the North right-of-way line of Lorida Street and East of the East right-of-way line of Malaga Street containing 0.97 acres more or less.

PARCEL 2
(Williams Property/OR 799-PG 1401)

Parcel A

In the City of St. Augustine, beginning at the SW corner of Riberia Street and Lorida Street, said point of beginning being also the NE corner of Block 46-L, thence Westerly along the South line of said Lorida Street 265.3 feet to a stake; thence Southerly at right angle 109.3 feet to a stake; thence Easterly and parallel with said South line of Lorida Street 250 feet to a stake on the West line of Riberia Street; thence Northerly along the West side of Riberia Street, 110.3 ft, more or less to the point of beginning.

Parcel B

Part of Block 46-L, City of St. Augustine, according to the official map thereof dated January 1, 1905, described as follows:

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Beginning at the intersection of the West line of Riberia Street and South line of Lorida Street thence West and along the South line of Lorida Street 265.5 feet to the NE corner of the land herein conveyed as point of beginning continuing along the South line of Lorida Street 154.1 feet to the NW corner of the lot herein conveyed; thence South 107.8 feet to the SW corner of the lot herein conveyed in the North line of the gas company's lot; thence East along the North line of gas company's property 156.6 feet to the SE corner of the lot herein conveyed; thence North along the West line of the old transfer stable 109.3 feet to the point of beginning.

PARCEL 3
(Katz property OR 413/PG 1119)

ALL that tract or parcel of land lying and being in the City of St. Augustine, St. Johns County, Florida, being a portion of Lot 3, Block 46-L of the Official Map of the City of St. Augustine, dated January 1, 1905, on file in the Clerk's Office of St. Johns County, Florida, and being more particularly described in accordance with a Map of Survey for St. Augustine Gas Company dated February 22, 1982, prepared by Loren N. Jones, Registered Engineer No. 4213 and Registered Surveyor No. 894, as follows:

BEGINNING at an iron pipe on the Easterly side of Ribera Street (also known as Riberia Street) at the Northeast corner of said Lot 3 of Block 46-L, said point of beginning also being three hundred ninety and three tenths (390.3) feet Southerly as measured along the Westerly side of Ribera Street from the Southerly side of King Street; run thence South 00 degrees 40 minutes East along the Westerly side of Ribera Street two hundred eight and eight tenths (208.80) feet to an old iron pipe; run thence South 89 degrees 20 minutes West one hundred twenty four (124.00) feet to an old iron pipe; run thence South 00 degrees 40 minutes East thirty and seven hundredths (30.07) feet to a point; run thence South 40 degrees 30 minutes 11 seconds West eighty five and fifty-three hundredths (85.53) feet to an iron pipe; run thence South 70 degrees 30 minutes West five hundred nine and seventy-seven hundredths (509.77) feet to the edge of the San Sebastian River; continue thence South 70 degrees 30 minutes West to a point in the middle of the channel of the San Sebastian River, which point is hereinafter referred to as "Point A"; begin again at the aforesaid iron pipe at the Northeast corner of said lot 3 of Block 46-L; run thence South 82 degrees 15 minutes West six hundred ninety-three and sixty five hundredths (693.65) feet to an old concrete monument; run thence South 3 degrees 30 minutes East one hundred seventy five (175.00) feet to a point; run thence South 70 degrees 30 minutes West one hundred eighty eight (188) feet, more or less, to the edge of the San Sebastian River; continue thence South 70 degrees 30 minutes West to the middle of the channel of the San Sebastian River; run thence in a generally Southeasterly direction along the middle of the channel of the San Sebastian River to its intersection with the aforesaid "Point A" on the aforesaid line running South 70 degrees 30 minutes West.

PARCEL 4
(Walther property OR 754-PG 1746)

Beginning at a point on the extension of the North line of property of St. Augustine Gas and Electric Light Company, distance from NE corner on Riberia Street 695 feet on a course South 82 degrees 15 minutes West, which said NE corner of Lot 3, Block 46-L as designated on the Official Map of said City dated January 1st, 1905, on file in the Clerk's Office of St. Johns County, Florida, run thence South 3 degrees 30 minutes East, 175 feet; thence South 70 degrees 30 minutes West to the East line of the channel of San Sebastian River, thence Northerly along the East extension of the North line of the property of the St. Augustine Gas and Electric Light Company; thence North 82 degrees 15 minutes East 393 feet to the Point of Beginning and containing 46,843 square feet more or less and being the same property described in a deed from said St. Augustine Gas and Electric Light Company to C. F. Hamblen, dated the 19th day of August, A.D., 1908.

Together with:

PARCEL A:

A parcel of land in the City of St Augustine, St Johns County, Florida, on the East side of the San Sebastian River and South of King Street, said parcel being portions of Blocks 46K, 46L and Malaga Street according to the Map of the City of St Augustine, dated January 1, 1905, said parcel of land being more particularly described as follows:
Commencing at the intersection of the Southerly right of way line of King Street with the Easterly right of way line of Sebastian Harbor Drive (formerly Malaga Street); thence South 07° 01'36" East, departing said Southerly right of way line of King Street, along said Easterly right of way line of said Sebastian Harbor Drive, a distance of 278.34 feet to the intersection of said Easterly right of way line of Sebastian Harbor Drive (formerly Malaga Street) and the Southerly right of way line of Sebastian Harbor Drive (formerly Lorleda Street); thence North 82° 09'48" East, along said Southerly right of way line of Sebastian Harbor Drive, a distance of 330.39 feet to the Point of Beginning of Parcel A; thence North 82° 09'48" East, continuing along said Southerly right of way line, a distance of 71.70 feet; thence South 07°44'48" East departing said Southerly right of way line, a distance of 102.56 feet; thence North 82° 15'12" East, a distance of 105.70 feet; thence North 07° 44'48" West, a distance of 19.00 feet; thence North 82°15'12" East, a distance of 124.00 feet; thence North 07° 44'48" West, a distance of 60.55 feet to a point on a curve, said curve being concave to the Southwest and having a radius of 30.00 feet; thence along the arc of said curve in a Northwesterly direction an arc length of 26.82 feet, said arc being subtended by a chord bearing and distance of North 33°21'45" West, 25.94 feet, to the aforementioned Southerly right of way line of San Sebastian Harbor Drive; thence North 82° 09'48" East, a distance of 84.62 feet to the Westerly right of way line of Riberia Street; thence South 00° 34'21" East along said Westerly right of way line, a distance of 318.82 feet to an intersection with the Southerly line of that parcel described in Warranty Deed recorded in Official Records 813, Page 1118, St Johns County, Florida; thence South 89°16'54" West, departing said Westerly right of way line of Riberia Street; a distance of 124.11 feet; thence South 00° 44'39" East, a distance of 30.17 feet; thence South 40° 54'17" West, a distance of 85.20 feet; thence South 70° 35'39" West, a distance of 609.77 feet, more or less, to the middle of the channel of the Sebastian River; thence along the middle of said channel, the following courses, more or less, North 53°33'31" West, a distance of 243.98 feet; thence North 50°33'48" West, a distance of 316.26 feet; thence North 16° 21'50" West, a distance of 218.87 feet; thence North 82° 08'16" East, departing said middle of channel, a distance of 275.20 feet; thence South 07° 58'34" East, a distance of 160.66 feet; thence North 82° 27'42" East, a distance of 123.76 feet; thence North 07° 18'35" West, a distance of 51.85 feet; thence North 82° 28'34" East, a distance of 102.36 feet; thence South 07° 51'44" East, a distance of 108.14 feet; thence North 82° 08'16" East, a distance of 81.32 feet; thence South 07° 51'44" East, a distance of 16.99 feet; thence South 45°19'52" East, a distance of 12.22 feet to a point on a curve, said curve being concave Southerly and having a radius of 196.25 feet; thence along the arc of said curve in an Easterly direction an arc length of 269.17 feet, said arc being subtended by a chord bearing and distance of North 86° 10'38" East, a distance of 248.56 feet; thence North 34° 00'35" East, a distance of 54.48 feet; thence North 07° 44'48" West, a distance of 112.34 feet, to the Point of Beginning.

PARCEL B:

A Parcel of land in the City of St, Augustine, St. Johns County, Florida on the east side of the San Sebastian River and South of King Street, said Parcel being portions of Block 46L and Malaga Street, according to the Map of the City of St, Augustine, dated January 1,1905, said parcel of land being more particularly described as follows: Commencing at the intersection of the Southerly right of way line of King Street with the Easterly right of way line of Sebastian Harbor Drive (formerly Malaga Street); thence South 07° 01' 36" East, departing said Southerly right of way line of King Street, along said Easterly right of way line of said Sebastian Harbor Drive, a distance of 278.34 feet to the intersection of said Easterly Right of Way line of Sebastian Harbor Drive (formerly Malaga Street) and the Southerly right of way of Sebastian Harbor Drive (formerly Lorieda Street), said point being the Point of Beginning of Parcel B, thence North 82°09'48" East, along said Southerly right of way line of Sebastian Harbor Drive, a distance of 330.39 feet; thence South 07° 44' 48" East, departing said Southerly right of way line, a distance of 112.34 feet; thence South 34° 00' 35" West, a distance of 54.48 feet to a point on a curve, said curve being concave Southerly and having a radius of 196.25 feet; thence along the arc of said curve in a Southwesterly direction an arc length of 269.17 feet, said arc being subtended by a chord and bearing distance of South 86° 10' 38" West, 248.56 feet; thence North 45° 19' 52" West, a distance of 12.22 feet; thence North 07° 51' 44" West, a distance of 16.99 feet; thence South 82° 08'16" West, a distance of 81.32 feet; thence North 07° 51'44" West, a distance of 108.14 feet; thence North 07° 51'44" West, a distance of 14.44 feet; thence South 79° 55' 51" East, a distance of 45.08 feet to the Point of Beginning.

Together with:

PARCEL F

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, FLORIDA, ON THE EAST SIDE OF THE SAN SEBASTIAN RIVER AND SOUTH OF KING STREET, SAID PARCEL BEING PORTIONS OF BLOCK 46L, ACCORDING TO THE MAP OF THE CITY OF ST. AUGUSTINE, DATED JANUARY 1, 1905, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF KING STREET WITH THE EASTERLY RIGHT OF WAY LINE OF SEBASTIAN HARBOR DRIVE (FORMERLY MALAGA STREET); THENCE SOUTH 07°01'36" EAST, DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE OF KING STREET, ALONG SAID EASTERLY RIGHT OF WAY LINE OF SEBASTIAN HARBOR DRIVE, A DISTANCE OF 278.34 FEET TO THE INTERSEC110N OF SAID EASTERLY RIGHT OF WAY LINE OF SEBASTIAN HARBOR DRIVE FORMERLY MALAGA STREET) AND THE SOUTHERLY RIGHT OF WAY LINE OF SEBASTIAN HARBOR DRIVE (FORMERLY LORIEDA STREET); THENCE NORTH 82°09'48" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF SEBASTIAN HARBOR DRIVE, A DISTANCE OF 402.09 FEET TO THE POINT OF BEGINNING OF PARCEL F; THENCE SOUTH 07°44'48" EAST, DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE OF SEBASTIAN HARBOR DRIVE, A DISTANCE OF 102.56 FEET; THENCE NORTH 82°15'12" EAST, A DISTANCE OF 105.70 FEET; THENCE NORTH 07°44'48" WEST, A DISTANCE OF 19.00 FEET; THENCE NORTH 82°15'12" EAST, A DISTANCE OF 124.00 FEET; THENCE NORTH 07°44'48" WEST, A DISTANCE OF 60.55 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 30.00 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY DIRECTION AN ARC LENGTH OF 26.82 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 33°21'45" WEST, 25.94 FEET, TO THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF SAN SEBASTIAN HARBOR DRIVE; THENCE SOUTH 82°09'48" WEST, A DISTANCE OF 218.48 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

Master Development Plan

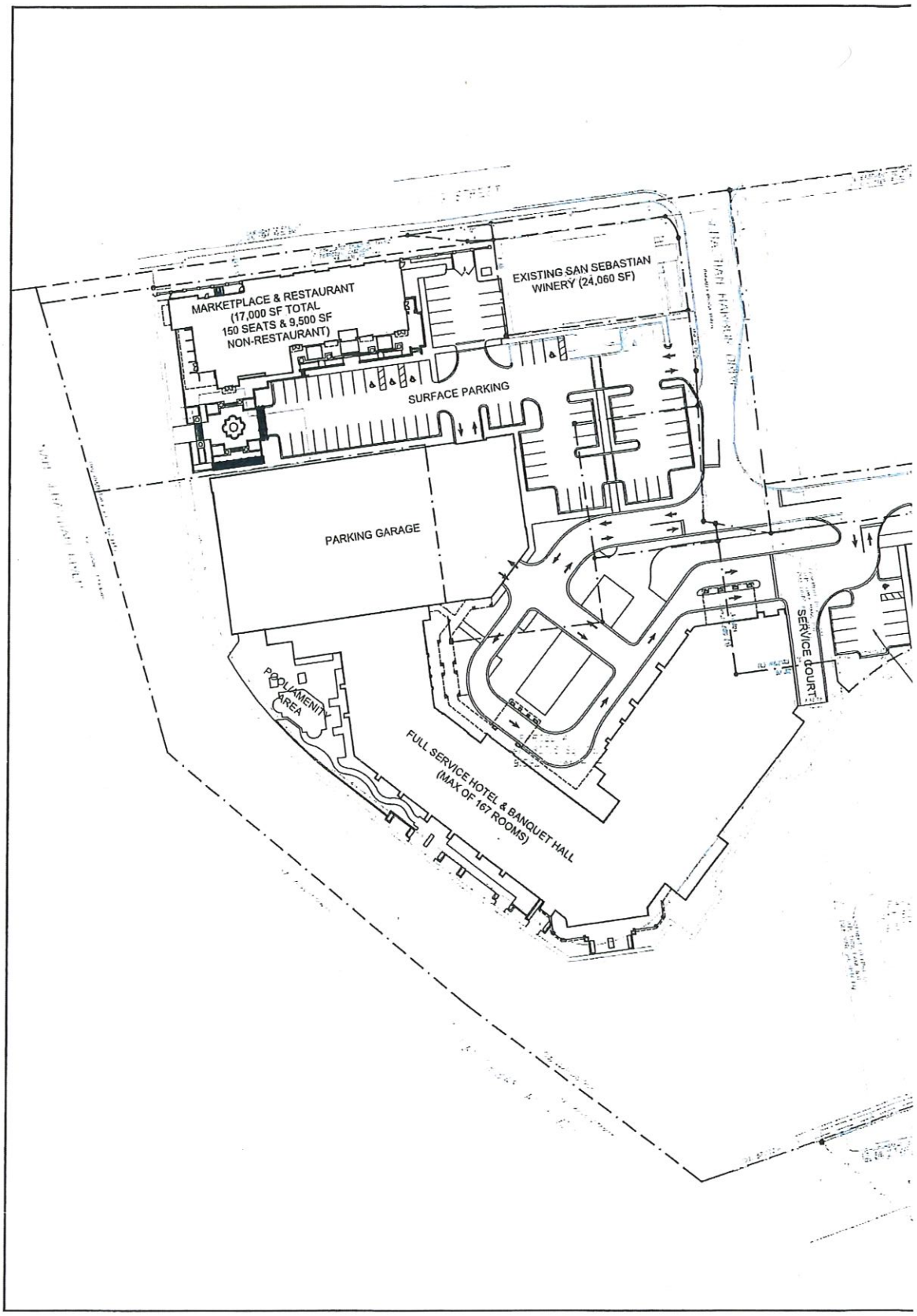

MARKETPLACE & RESTAURANT
(17,000 SF TOTAL
150 SEATS & 9,500 SF
NON-RESTAURANT)
EXISTING SAN SEBASTIAN
WINERY (24,060 SF)
SURFACE PARKING
PARKING GARAGE
POOL/AMENITY
AREA
FULL SERVICE HOTEL & BANQUET HALL
(MAX OF 167 ROOMS)
SERVICE COURT

Exhibit "C"

Public Facility Impact Analysis

ENVISION
DESIGN + ENGINEERING

November 30, 2020

Memorandum: Public Facility Analysis
San Sebastian Harbor
Planned Unit Development
St. Augustine, FL

Envision Design + Engineering, LLC is pleased to provide the following assessment of public infrastructure supporting the proposed San Sebastian Harbor Planned Unit Development in St. Augustine, Florida.

Traffic

The overall development will be served by four (4) driveway connections to Sebastian Harbor Drive as follows:

- San Sebastian Winery will continue to use the existing driveway on Sebastian Harbor Drive approximately 140 feet south of the signalized intersection with King Street. This is also the driveway that will continue to provide access for the trolley.

- A new driveway will be constructed at the 90-degree bend in Sebastian Harbor Drive which will create a "tee" intersection that will serve as the primary access for the hotel and parking garage. We are proposing a three-way stop configuration at this intersection with 24" stop bars and stop signs.

- A new driveway will be constructed approximately 100 feet east of the "tee" intersection that will primarily be used for exiting drop-off traffic and restaurant traffic.

- A new driveway will be constructed approximately 200 feet west of the intersection with Riberia Street that will only serve the multi-family parking garage.

In addition to the above access points, there will be cross access between the San Sebastian Winery and the hotel through the new parking garage.

The overall trip generation for the development will be reduced by 277 average daily trips (ADT) compared to the current approved PUD as demonstrated in the trip rate comparison at the end of this memorandum.

It should also be noted that the peak hour traffic on King Street and Riberia Street is between 4 to 6 pm and that peak hour traffic generated by the hotel guests will occur between 3 to 4 pm.

Water

The total anticipated average daily flow for the entire development will be approximately 80,000 GPD.

Water service to the hotel, restaurant and multi-family developments will be provided by a new 12" water main (to be dedicated to City of St. Augustine) within the Sebastian Harbor Drive right-of-way. This new water main will connect to an existing 8" water main on the east side of Riberia Street.

The San Sebastian Winery expansion will be served by connection to an existing 16" water main along the north side of King Street.

4446-1A Hendricks Avenue, Suite 406, Jacksonville, Florida 32207
Ph 904/881-6145 · doug@envisionplusjax.com

Recent fire hydrant flow tests on the existing water distribution system indicate 3,907 GPM at 20 psi available with a static pressure of 77 psi.

Sanitary Sewer

As indicated above, the total anticipated average daily flow for the entire development will be approximately 80,000 GPD.

Sanitary sewer service to all uses will be provided by the City of St. Augustine's gravity sanitary sewer main located within Sebastian Harbor Drive. The existing main increases from 8" (along the east-west portion) to 12" (along the north-south portion).

The depth of the system is sufficient for gravity connection from all uses. All connections will be made prior to final paving of Sebastian Harbor Drive.

Stormwater

Stormwater runoff from the site will be collected by roof drains and pavement inlets and routed to a system of underground vaults prior to discharge into the San Sebastian River. The existing permit with FDEP for the original design will be modified. Water quality treatment will be provided for all onsite surfaces to meet state standards.

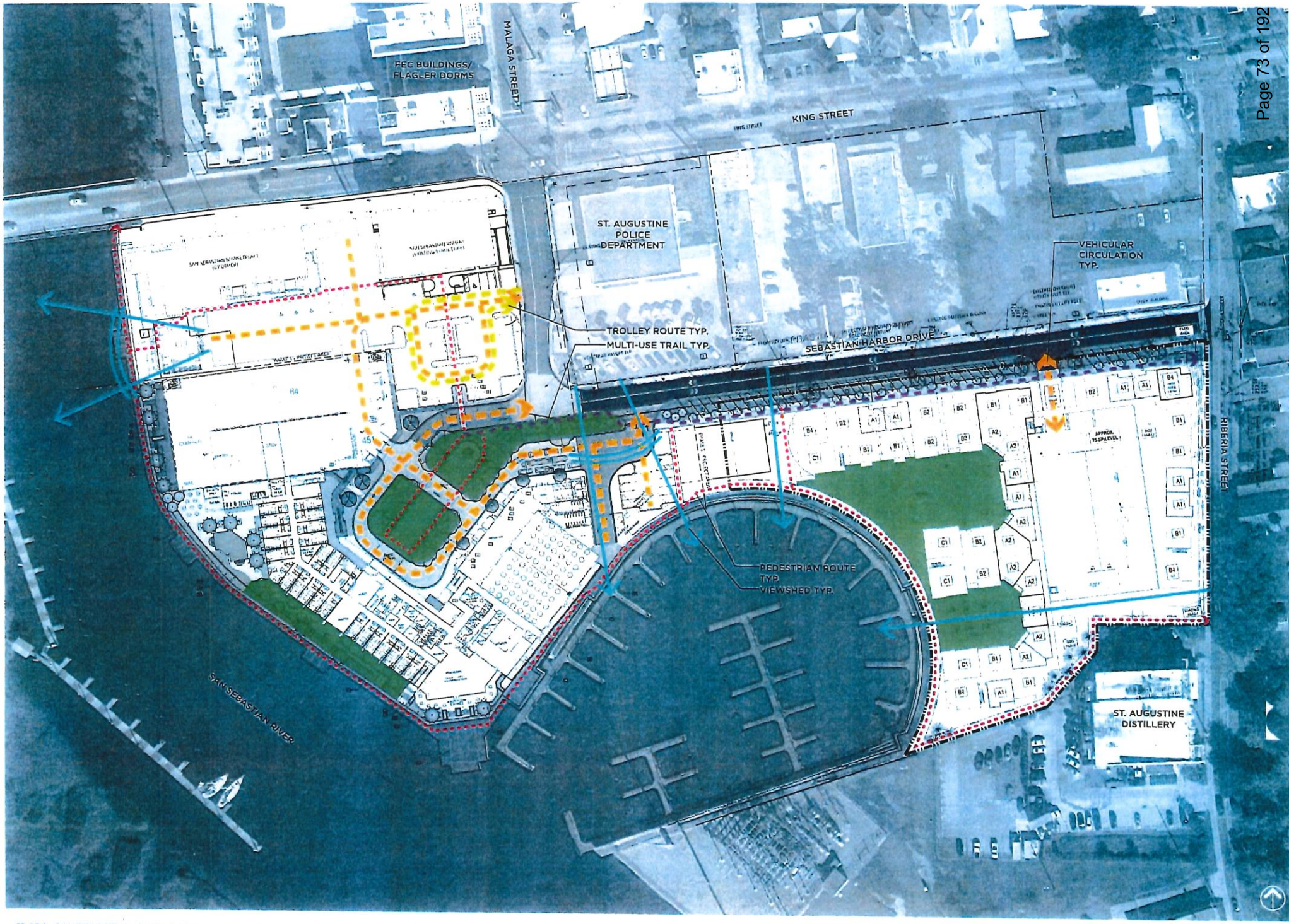
New inlets will be provided as part of the reconstruction of Sebastian Harbor Drive and the existing stormwater pump station will be removed. The new inlets will be routed separately through the site and discharged directly to the San Sebastian River.

Project: Sebastian Inland Harbor
Location: St. Augustine, Florida
Prepared By: Douglas L. Skiles, PE (Envision Design + Engineering, LLC)
Trips rates based on ITE Trip Generation Manual, 10th Edition

			Current PUD			Proposed PUD		
Land Use Description	ITE Number	Rate Factor	Quantity	Unit	Average Daily Trips (ADT)	Quantity	Unit	Average Daily Trips (ADT)
Multi-family Residential	220	7.32	85	units	622	165	units	1208
Hotel	310	8.36	225	rooms	1881	167	rooms	1396
Marina	420	2.41	65	slips	157	65	slips	157
Retail	820	0.03775	36060	SF	1361	26050	SF	983
Winery	970	0.04596	24060	SF	1106	24060	SF	1106
Total					5127			4850
						Net Reduction		277

Exhibit "D"

Site Circulation Plan



19.26.1 - SAN SEBASTIAN HOTEL & MIXED-USE COMPLEX - CONCEPTUAL PLAN - CIRCULATION + VIEWSHEDS

ML+H

Exhibit "E"

Landscape Standards

The PUD landscape plan is included on **Exhibit "E-1"** (the "**Landscape Plan**"). The Landscape Plan is designed to address conceptual tree and landscape locations. Note that minor edits may be made to the Landscape Plan, as long as the following standards are met:

1. PLANT MATERIAL.

All plant material shall be native or Florida Friendly. Plant palettes are included in the text, which may be expanded or edited.

a. Trees and Palms.

There shall be 219 trees and palms within the PUD.

i) Minimum caliper size shall be 2 inches (or totaling 4 inches for multi-trunked) for shade trees.
ii) Minimum clear trunk shall be 10 feet 0 inches for palms.
iii) Trees may be interchangeable as palms or shade trees. See landscape plan for conceptual placement.

Botanical/Common. May include:

Betula Nigra `Duraheat` / Duraheat River Birch

Elaeocarpus Decipiens Tm / Japanese Blueberry Tree

Juniperus Silicicola `Brodie` / Brodie Southern Red Cedar

Lagerstroemia Indica `Muskogee` / Muskogee Crape Myrtle

Livistona Decora / Ribbon Palm

Magnolia Grandiflora `D.D. Blanchard` Tm / Southern Magnolia

Olea Europaea `Frantoio` / Olive

Phoenix Dactylifera `Medjool` / Date Palm

Platanus Occidentalis / American Sycamore

Quercus Virginiana / Southern Live Oak

Sabal Palmetto / Cabbage Palmetto

Sylvester Palms

Ulmus Parvifolia `Allee` / Allee Lacebark Elm

b. Shrubs and Turf.

i) Minimum size of shrubs shall be 1 gallon, full.
ii) Turf shall not exceed 35 percent of landscape area.
iii) Synthetic turf shall be permitted.

Botanical/Common. May include:

Acca Sellowiana `Bambina` / Dwarf Pineapple Guava, Feijoa

Chamaerops Humilis / Mediterranean Fan Palm

Ilex Vomitoria `Schillings` / Schillings Holly

Myrica Cerifera / Wax Myrtle

Podocarpus Macrophyllus / Yew Pine

Rhapis Excelsa / Lady Palm

Trachelospermum Jasminoides `Confederate` / Confederate Jasmine

Yucca Smalliana `Bright Edge` / Weak-Leaf Yucca

Agapanthus X `Ellamae` Tm / Ellamae Lily Of The Nile

Asparagus Densiflorus `Myers` / Myers Asparagus

Dietes Iridioides / Fortnight Lily

Juniperus Procumbens `Nana` / Shore Juniper

Muhlenbergia Capillaris / Pink Muhly

Neomarica Caerulea `Regina` / Iris

Nephrolepis Biserrata `Macho Fern` / Macho Fern

Rhaphiolepis X `Montic` / Magestic Beauty Indian Hawthorn

Rosmarinus Officinalis `Prostratus` / Dwarf Rosemary

Spartina Bakeri / Sand Cord Grass

Tripsacum Floridanum / Dwarf Fakahatchee Grass

2. LANDSCAPING AND BUFFER YARD REQUIREMENTS.

a. Development shall meet the following buffer yard requirements:

(i) **EAST (along Riberia Street)**
   a) Width: 10 feet minimum
   b) Trees: 2.5 trees per 100 lineal feet
   c) Shrubs: 8 shrubs per 100 lineal feet

(ii) **SOUTH (along "Ice Plant")**
   a) Width: 8 feet minimum
   b) Trees: 2.5 trees per 100 lineal feet
   c) Shrubs: 8 shrubs per 100 lineal feet

(iii) **NORTH SEBASTIAN (along Sebastian Harbor Drive from intersection with King Street)**
   a) Width: 10 feet minimum
   b) Trees: 3 trees per 100 lineal feet (1 per island along streetscape)
   c) Shrubs: 8 shrubs per 100 lineal feet

(iv) **NORTH KING (along King Street)**
   a) Width: 10 feet minimum
   b) Trees: 1 per tree island
   c) Shrubs: 8 shrubs per 100 lineal feet

(v) **WEST (along water)**
   a) Width: 5 feet minimum
   b) Trees: 2 trees per 100 lineal feet
   c) Shrubs: 8 shrubs per 100 lineal feet

Notes:

i) These requirements are stated in terms of width and the number of trees and shrubs required per one hundred (100) linear feet of buffer yard.
ii) Buffer yards are not required between separate uses within the Property.
iii) Buffer yard landscape may be aggregated within the dedicated zones. For instance, the "NORTH SEBASTIAN" buffer yard may aggregate more trees along the east-west portion of Sebastian Harbor Drive than along the north-south portion, as long as the overall trees per lineal footages meets the requirement above.
iv) Buffer trees may be interchangeable as palms or shade trees. See Landscape Plan, **Exhibit "E-1"**, for conceptual placement.

b. Location of required buffer yards. Buffer yards shall be located along the perimeter of the property being developed, abutting the property line. Buffer yards shall not be located on an existing or dedicated public right-of-way.

i. Parking area requirements.

a. *Adjacent to public rights-of-way.* Buffer yards between parking areas and public rights-of-way shall form a solid opaque mass or screen of landscaping at least twenty-four (24) inches in height upon planting. This buffer yard may be composed of a berm with a maximum height of thirty (30) inches in conjunction with landscaping, with a total height of not less than thirty-six (36) inches in height at installation. A wall or fence of at least thirty-six (36) inches in height, but less than forty-eight (48) inches in height may be used in conjunction with landscaping, with the wall or fence installed adjacent to the parking area and the required landscaping installed between the wall or fence and the property line. When a mass or screen of landscape material is used, it shall obtain opacity within twelve (12) months of planting under normal growing conditions.

b. *Intersection visibility.* Where an accessway intersects a public right-of-way, landscaping shall be used to define the intersection provided, however, that all landscaping within the triangular areas described below shall provide unobstructed cross visibility at a level between two (2) and six (6) feet above the ground. Trees having limbs and foliage extending into this cross-visibility area shall be allowed, provided that they are so located so as not to create a traffic hazard. Landscaping, except grass and ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement. The triangular areas are:

1. The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way pavement line with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends or the other sides.

2. The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular areas being measured thirty (30) feet in length along the abutting edges of pavement, from their point of intersection, and the third being a line connecting the ends of the other two (2) lines.

c. *Internal landscaping.* All parking areas shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement, and to direct and define logical areas for pedestrian and vehicular circulation.

Landscape plan shows proposed islands and internal landscape.

1. Within each parking area of five thousand (5,000) square feet or more, there shall be a minimum of five (5) percent of landscaped areas which shall be reasonably distributed within each five thousand (5,000) square feet of parking area.

2. Each separate planting area shall contain at least one (1) tree and a tree shall be planted for each one hundred (100) square feet of internal landscaping. All internal landscaping shall be protected from vehicular encroachment by curbing or wheel stops. All landscape areas shall be a minimum of one hundred (100) square feet, with the least dimension being five (5) feet.

Exhibit "E-1"

Landscape Plan

The Property shall be planted with trees, shrubs and lawn areas to maximize views of the water, privacy of residential units, and shade in gathering areas.

PLANT_SCHEDULE

TREES	CODE	BOTANIC
	Bd	BETULA NATIVE -
	Ed	ELAEOCA NON-NA
	JB	JUNIPER
	Lm2	LAGERST NON-NA
	LR	LIVISTON
	MB	MAGNO NATIVE -
	OF3	OLEA EU
	PM	PHOEND
	Po	PLATANI NATIVE -
	Qv	QUERCU NATIVE -
	Sp2	SABAL P. NATIVE -
	UA	ULMUS

TREE SIZES:
SHADE AND UNDERSTORY TI
PALM TREES: MINIMUM 10'

EXHIBIT "F"

Conceptual Architectural Elevations

GENESIS STUDIOS
Cliff Minor

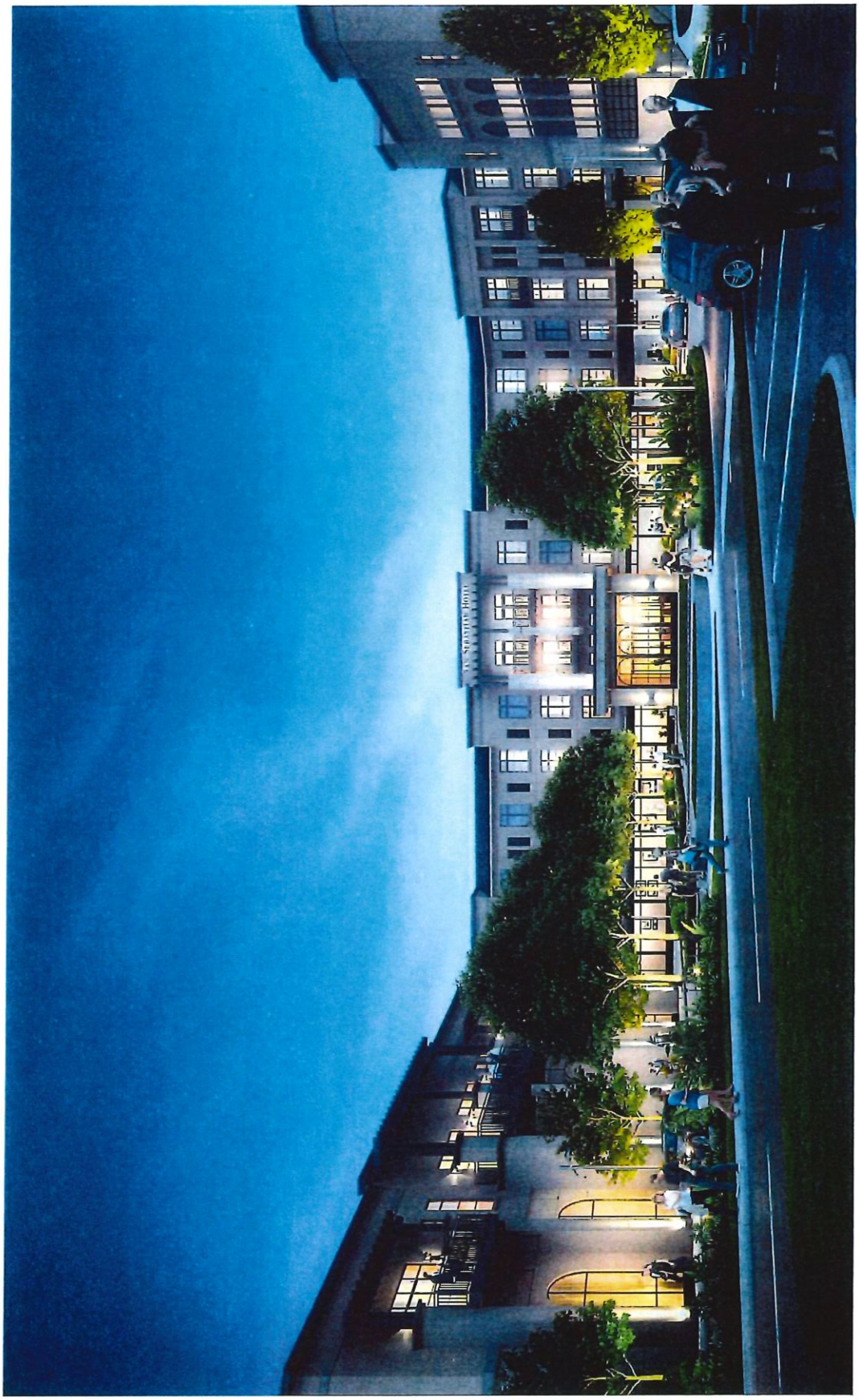

THE SUPREME COURT

EXHIBIT "G"

Sebastian Harbor Drive Proposed Improvements

Sebastian Harbor Drive (40-foot Right-of-Way ("ROW")) is conceptually proposed to include:

- Sidewalks:
  - Minimum 5 feet in width
  - MATERIAL: Concrete / coquina concrete and/or pavers
  - MATERIAL: 12-inch textured surface behind back of curb, both sides

- Curbs:
  - Raised curbs
  - MATERIAL: Concrete

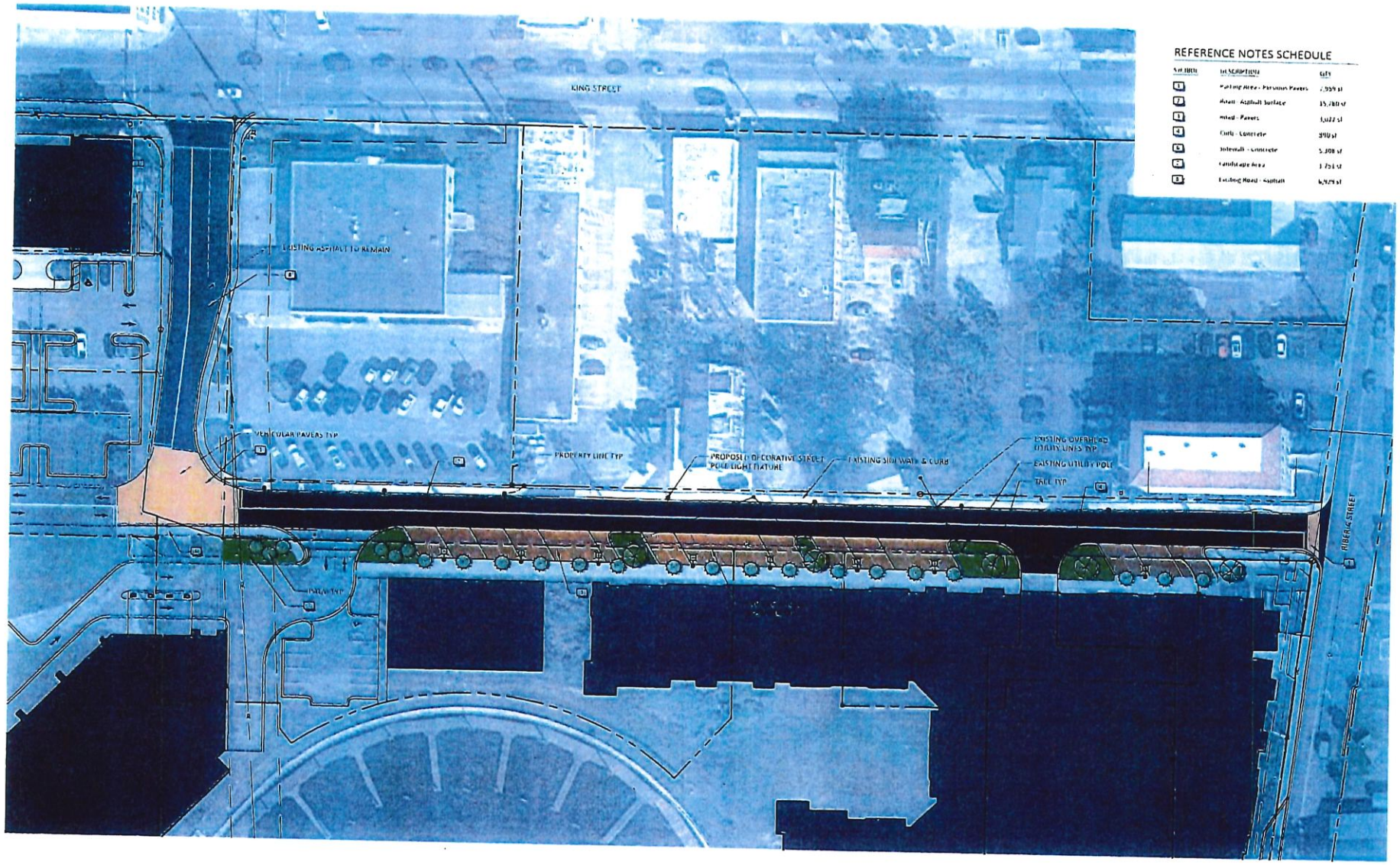
- Vehicular Lanes
  - 10-foot lane width
  - Sharrows for bicycles
  - MATERIAL: Asphalt

- On-Street Parking
  - Angled Parking approximately half in / outside of ROW
  - 1-foot flush concrete ribbon curb transition to angled on-street parking
  - MATERIAL: Clay brick and/or concrete

See cross section in **Exhibit "G-1"**.

EXHIBIT "G-1"

Sebastian Harbor Drive Conceptual Typical Section



BASTIAN HARBOR DRIVE CONCEPT

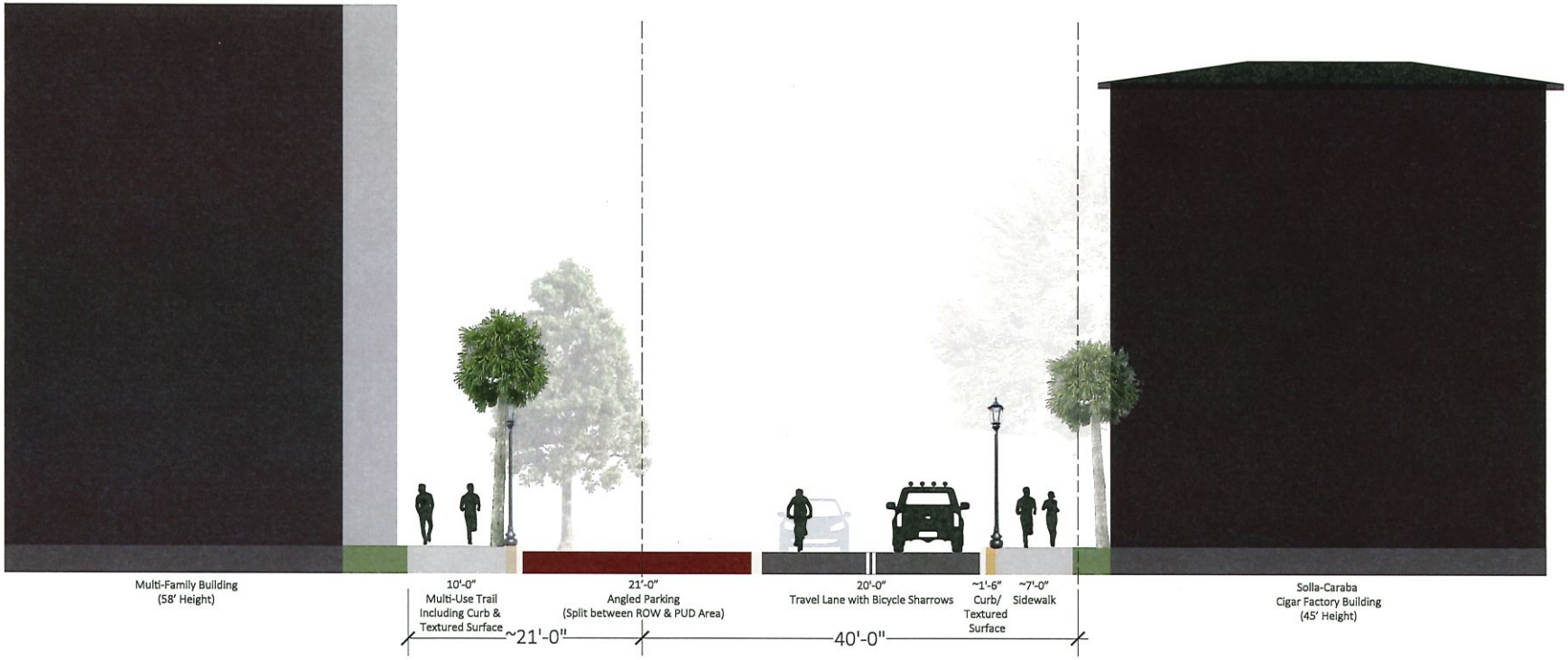
ale: 1"= 30'

04.2020

0' 15' 30' 60'

SCALE: 1" 30'

ML+H



Sebastian Harbor Drive (40' ROW)

CONCEPTUAL SECTION

Pending final Developer's agreement with the City of St. Augustine

ML+H

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 10, 2021

RE: **RESOLUTION 2021-04: OPPOSING SENATE BILL 522 & HOUSE BILL 219**

Please find enclosed Resolution 2021-04 opposing Senate Bill 522 and House Bill 219 that would prohibit cities from establishing ordinances specific to short-term vacation rentals.

Please place Resolution 2021-04 on the regular City Commission agenda for adoption on February 22, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-04: Opposing SB 522 & HB 219 regarding short-term vacation rental preemption.

RESOLUTION 2021-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY ST. AUGUSTINE, URGING THE LEGISLATURE TO OPPOSE SENATE BILL 522 AND HOUSE BILL 219, PROHIBITING CITIES FROM ESTABLISHING ORDINANCES SPECIFIC TO SHORT-TERM VACATION RENTALS AND REQUIRING ALL RESIDENTIAL PROPERTIES BE TREATED THE SAME, REGARDLESS OF WHETHER THE PROPERTY IS BEING USED AS A RENTAL OR NOT.

WHEREAS, a short-term vacation rental is defined as a property that is rented more than three times a year for less than 30 days at a time; and

WHEREAS, short-term rentals are causing problems in many cities around the state by creating commercial activity in residential areas (mini-hotels in neighborhoods). Problems include noise, inadequate parking, infrastructure intended for residential use is now being used on a commercial scale, and decreased property values in neighborhoods taken over by vacation rentals; and

WHEREAS, cities need their Home Rule authority fully restored so they can effectively determine local solutions that work for their respective communities; and

WHEREAS, current statutory preemption of local zoning regulations directly and adversely affect the quality of life of residents;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

SECTION 1: The City Commission of the City of St. Augustine urges all members of the Florida Legislature to oppose the adoption of Senate Bill 522 and House Bill 219.

SECTION 2: The City Commission of the City of St. Augustine further directs the City Clerk to transmit a copy of this Resolution to the Florida Legislative Delegation, Cabinet, and any other interested parties.

SECTION 3: This Resolution shall become effective immediately upon its passage.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of February, 2021.

CITY OF ST. AUGUSTINE, FLORIDA

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 10, 2021

RE: **RESOLUTION 2021-05: SUPPORTING SENATE BILL 594 & HOUSE BILL 6027**

Please find enclosed Resolution 2021-05 supporting Senate Bill 594 and House Bill 6027 that would remove the preemption of local regulation of the use or sale of disposable plastic bags and polystyrene products.

Please place Resolution 2021-05 on the regular City Commission agenda for adoption on February 22, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-05: Supporting SB 594 & HB 6027 regarding the removal of the preemption on the regulation of plastic bags and polystyrene.

RESOLUTION 2021-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, STRONGLY ENCOURAGING THE STATE LEGISLATURE TO APPROVE SENATE BILL 594 AND HOUSE BILL 6027 RELATING TO THE PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS, REPEALING THE PREEMPTION OF LOCAL LAWS REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS; DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THE RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Augustine City Commission is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of the City of St. Augustine and the State of Florida; and

WHEREAS, plastic bags and polystyrene are detrimental because they do not fully degrade in our oceans or land environment and they introduce unsafe chemicals into our environment; and

WHEREAS, plastic bags and polystyrene create the potential for death of land and marine animals through entanglement and ingestion; and

WHEREAS, the expansive usage of single-use shopping bags and polystyrene containers and their typical disposal rates creates an impediment to the City's waste reduction and recycling goals while creating unsightly litter; and

WHEREAS, single-use plastic bags and polystyrene containers are difficult to recycle and frequently contaminate material that is processed through the City's curbside recycling and composting programs; and

WHEREAS, reusable bags and biodegradable containers are considered as the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, the City Commission acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

WHEREAS, it is in the public interest for the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags and polystyrene containers; and

WHEREAS, the Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Sections 403.7033 and 500.90, Florida Statutes; and

WHEREAS, Section 403.7033 of the Florida Statutes requires the Florida Department of Environmental Protection (DEP) to perform an analysis and submit a report to the Legislature by February 1, 2010, regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments; and

WHEREAS, the statute also provides that until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags; and

WHEREAS, the DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments and recommends the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags to the benefit of the State's environment; and

WHEREAS, Section 500.90, Florida Statutes, preempts local regulation of the use or sale of polystyrene products and section 403.7033, Florida Statutes, preempts local regulation of the use or sale of disposable plastic bags.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby supports efforts to repeal obsolete language and preemption of Sections 403.7033 and 500.90, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags and polystyrene containers.

Section 2: The City Commission of the City of St. Augustine, Florida encourages approval of Senate Bill 594 and House Bill 60207 eliminating preemption language in Sections 403.7033 and 500.90, Florida State Statutes.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this _____ day of February, 2021.

CITY OF ST. AUGUSTINE, FLORIDA

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 10, 2021

RE: **RESOLUTION 2021-06: SUPPORTING SENATE BILL 514 & HOUSE BILL 315**

Please find enclosed Resolution 2021-06 supporting Senate Bill 514 and House Bill 315 that would establish a statewide office of resiliency within the executive office of the governor.

Please place Resolution 2021-06 on the regular City Commission agenda for adoption on February 22, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-06: Supporting SB 514 & HB 315 supporting the establishment of a statewide office of resiliency.

RESOLUTION 2021-06

A RESOLUTION OF THE CITY COMMISSION OF THE OF THE CITY OF ST. AUGUSTINE, FLORIDA SUPPORTING SENATE BILL 514 AND HOUSE BILL 315 ESTABLISHING THE STATEWIDE OFFICE OF RESILIENCY WITHIN THE EXECUTIVE OFFICE OF THE GOVERNOR; PROVIDING FOR THE APPOINTMENT OF A CHIEF RESILIENCE OFFICER BY THE GOVERNOR; CREATING A STATEWIDE SEA-LEVEL RISE TASK FORCE; AND REQUIRING THE ENVIRONMENTAL REGULATION COMMISSION TO TAKE CERTAIN ACTION ON THE TASK FORCE'S RECOMMENDATIONS.

WHEREAS, Florida faces significant risks from flooding and sea level rise. With over 1,300 miles of coastline, the state is particularly exposed to the effects of sea level rise. Florida has seen 3 inches of sea level rise since 2000, with projections of at least 6 inches in the next 15 years, or more than 1 inch every 3 years; and

WHEREAS, coordinating a statewide response is key to creating a more resilient Florida. Cities and counties in Florida have already invested over $4 billion in sea level rise solutions; and

WHEREAS, sea level rise, hurricane storm surge, and flooding currently threaten millions of homes in Florida alone; and

WHEREAS, it is important to have statewide consensus on projections of the anticipated sea-level rise and flooding impacts along the Florida coastline in order to develop future plans, projects, and programs.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature and Cabinet to support Senate Bill 315 and House Bill 514.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of February 2021.

CITY OF ST. AUGUSTINE, FLORIDA

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 10, 2021

RE: **RESOLUTION 2021-07: OPPOSING SENATE BILL 62**

Please find enclosed Resolution 2021-07 opposing Senate Bill 62 that would eliminate the statutory authorization for regional planning councils.

Please place Resolution 2021-07 on the regular City Commission agenda for adoption on February 22, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-07: Opposing SB 62 regarding the elimination of regional planning councils.

RESOLUTION 2021-07

A RESOLUTION OF THE CITY COMMISSION OF THE OF THE CITY OF ST. AUGUSTINE, FLORIDA OPPOSING ELIMINATION OF STATUTORY AUTHORIZATION FOR REGIONAL PLANNING COUNCILS IN FLORIDA AS PROPOSED IN SENATE BILL 62 OR SIMILAR PROPOSED LEGISLATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Northeast Florida Regional Planning Council's seven county geographical area is comprised of Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns counties and 25 municipalities contained therein, with over 1.75 million residents; and

WHEREAS, the Council is a multi-purpose regional governmental entity with policy responsibilities in the areas of affordable housing, economic development, emergency preparedness, energy and climate change, agriculture, natural resources, community design, and regional transportation; and

WHEREAS, for more than five decades Regional Planning Councils have served the public as Florida's only multipurpose regional entities that coordinate intergovernmental solutions to multijurisdictional issues identified by their member local governments; and

WHEREAS, the 67 counties in the state are divided into 10 Regional Planning Councils which perform functions in Economic Development, Transportation, Emergency Preparedness, Regional Convening, and Resilience to the extent and as directed by their member counties, cities, and gubernatorial appointees; and

WHEREAS, the Regional Planning Councils compete for and bring to Florida millions of dollars in federal funds for Economic Development, Transportation, and Environmental and Brownfields Cleanup that would otherwise go to other states; and

WHEREAS, the Regional Planning Councils receive no regular general appropriation for operation from the State and, instead, are supported by Federal, State and private grant funds, local dues, local contracts, and State agency contracts for specific programs implemented on behalf of the State; and

WHEREAS, Regional Planning Councils serve a critical role in hazardous material response coordination and training through the Local Emergency Planning Committees (LEPCs) operated by each Council; and

WHEREAS, Regional Planning Councils regularly assist state agencies in implementing their statutory duties and legislative directives, along with coordinating these duties and directives with local input, at no charge to the State; and

WHEREAS, Regional Planning Councils partner with local governments and agencies secure grant funding, staff specialized projects and provide technical support and collaboration expertise; and

WHEREAS, proposed Senate Bill 62 will remove authorization and all references to Regional Planning Councils from the Florida Statutes, depriving the people of the State of the important work the Councils do and the Federal funds they bring into Florida.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature not to pass Senate Bill 62 unless it is modified to no longer remove Regional Planning Councils from the Florida Statutes.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this _____ day of February 2021.

CITY OF ST. AUGUSTINE, FLORIDA

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 10, 2021

RE: **RESOLUTION 2021-08: SUPPORTING SENATE BILL 596 AND HOUSE BILL 6023**

Please find enclosed Resolution 2021-08 supporting Senate Bill 596 and House Bill 6023 that would repeal the preemption of local government regulations regarding tree pruning, trimming, and removal.

Please place Resolution 2021-08 on the regular City Commission agenda for adoption on February 22, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-08: Supporting SB 596 & HB 6023 regarding the repeal of tree permit preemptions.

RESOLUTION 2021-08

A RESOLUTION OF THE CITY COMMISSION OF THE OF THE CITY OF ST. AUGUSTINE, FLORIDA SUPPORTING SENATE BILL 596 AND HOUSE BILL 6023 RELATING TO THE PREEMPTION OF TREE PRUNING, TRIMMING, AND REMOVAL; REPEALING THE PREEMPTION OF LOCAL GOVERNMENT REGULATIONS; ALLOWING LOCAL GOVERNMENTS TO REQUIRE PERMITS AND MITIGATION OF TREE REMOVALS ON RESIDENTIAL PROPERTY.

WHEREAS, the City of St. Augustine is recognized by the National Arbor Day Foundation as a Tree City USA; and

WHEREAS, the City of St. Augustine has been proudly designated a Tree City USA for approximately 36 years; and

WHEREAS, the City of St. Augustine places a high priority on maintain and planting trees, and monitoring the tree canopy throughout the city; and

WHEREAS, the City of St. Augustine has adopted a Tree Removal Permit and Mitigation ordinances to encourage the maintenance of existing trees or to provide for the replanting of trees in the city right-of-way or other public property; and

WHEREAS, the Tree Permit and Mitigation ordinance promote street tree rehabilitation, maintain a diverse tree inventory, and support a tree canopy throughout the city in both commercial and residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature and Cabinet to support Senate Bill 596 and House Bill 6023.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of February 2021.

CITY OF ST. AUGUSTINE, FLORIDA

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 11, 2021

RE: **RESOLUTION 2021-09: OPPOSING SENATE BILL 266 AND HOUSE BILL 403**

Please find enclosed Resolution 2021-09 opposing Senate Bill 266 and House Bill 403 that would prohibit cities from enacting or enforcing any ordinance, regulation, or policy regarding home-based businesses.

Please place Resolution 2021-09 on the regular City Commission agenda for adoption on February 22, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-09: Opposing SB 266 & HB 403 regarding the regulation of home-based businesses.

RESOLUTION 2021-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY ST. AUGUSTINE, URGING THE LEGISLATURE TO OPPOSE SENATE BILL 266 AND HOUSE BILL 403, PROHIBITING CITIES FROM ENACTING OR ENFORCING ANY ORDINANCE, REGULATION OR POLICY REGARDING HOME-BASED BUSINESSES.

WHEREAS, Florida's voters placed municipal Home Rule powers into the Florida Constitution on November 5, 1968; and

WHEREAS, this power has enabled each city, town and village across the Florida to consider, adopt, revise or remove its own laws and regulations without the need to seek legislative permission from the state and further allows every municipality to respond to local needs and conditions; and

WHEREAS, Cities need their Home Rule authority to review, regulate, and respond in order to enhance and protect the integrity of each unique neighborhood in our communities; and

WHEREAS, Statutory preemption of local zoning regulations directly and adversely affect the quality of life of residents and would remove the ability of its citizens to voice their concerns with local zoning boards, and for all parties to be heard at a local hearing; and

WHEREAS, local municipalities should have direct authority and oversight on issues relating to home-based businesses that could adversely affect traffic, noise, and municipal services.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

SECTION 1: The City Commission of the City of St. Augustine urges all members of the Florida Legislature to oppose the adoption of Senate Bill 266 and House Bill 403.

SECTION 2: The City Commission of the City of St. Augustine further directs the City Clerk to transmit a copy of this Resolution to the Florida Legislative Delegation, Cabinet, and any other interested parties.

SECTION 3: This Resolution shall become effective immediately upon its passage.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of February 2021.

CITY OF ST. AUGUSTINE, FLORIDA

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 11, 2021

RE: **RESOLUTION 2021-10: OPPOSING SENATE BILL 496 AND HOUSE BILL 59**

Please find enclosed Resolution 2021-10 opposing Senate Bill 496 and House Bill 59 that would require local governments to include a property rights element in their comprehensive plans.

Please place Resolution 2021-10 on the regular City Commission agenda for adoption on February 22, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-10: Opposing SB 496 & HB 59 regarding growth management and property rights.

RESOLUTION 2021-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY ST. AUGUSTINE, URGING THE LEGISLATURE TO OPPOSE SENATE BILL 496 AND HOUSE BILL 59, REQUIRING LOCAL GOVERNMENTS TO INCLUDE A PROPERTY RIGHTS ELEMENT IN THEIR COMPREHENSIVE PLANS.

WHEREAS, Florida law currently provides strong protections for private property from government regulations or takings; and

WHEREAS, Florida is the only state in the country to provide private property owner protections that do not amount to a taking under the United States or Florida Constitution with enactment of the Bert J. Harris Jr. Private Property Rights Protection Act in 1995; and

WHEREAS, the Florida's Government Comprehensive Planning Act requires local governments to adopt comprehensive plans and recognizes the traditional role of local government in land use control; and

WHEREAS, Comprehensive Planning principles require that local governments must follow substantive and procedural law regarding private property rights; and

WHEREAS, Senate Bill 496 and House Bill 59 would create conflict between established legal principles and procedures inserting uncertainty as to whether the legislature intends to create new or different substantive causes of action; and

WHEREAS, Senate Bill 496 and House Bill 59 would further create new avenues of litigation due to this uncertainty, costing taxpayers and private property owners increased litigation costs rather than relying on established procedures and case law.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

SECTION 1: The City Commission of the City of St. Augustine urges all members of the Florida Legislature to oppose the adoption of Senate Bill 496 and House Bill 59.

SECTION 2: The City Commission of the City of St. Augustine further directs the City Clerk to transmit a copy of this Resolution to the Florida Legislative Delegation, Cabinet, and any other interested parties.

SECTION 3: This Resolution shall become effective immediately upon its passage.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of February, 2021.

CITY OF ST. AUGUSTINE, FLORIDA

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
City Clerk, Darlene Galambos
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and City Commissioners

DATE: February 11, 2021

RE: **2021 LEGISLATIVE SESSION UPDATE**

At the February 8, 2021 City Commission meeting, our office was given direction regarding the Commission's priority bills to support, oppose, and continue to follow. Based on that direction, the City Attorney's office, working with the City Clerk's office, directed letters to the Governor and appropriate bill sponsors and committees. These letters have also been forwarded to our legislative liaison as well.

In an effort to simplify the information for City Commission review, our office has removed the priority bills to a separate spreadsheet entitled "City Commission Priorities Spreadsheet" highlighting those bills the Commission has directed us draft letters and resolutions or to simply follow. A second spreadsheet entitled "City Attorney Legislative Bill Tracking" is also attached for your review of bills our office is following as potentially impacting the City.

Please place these spreadsheets on the agenda for the February 22, 2021 City Commission meeting for a brief staff presentation under item 11.A.

Thank you,

Denise C. May

Denise C. May
Assistant City Attorney

xc: John Regan, City Manager
Isabelle Lopez, City Attorney

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO SUPPORT					
SB 596	**Preemption of Tree Pruning, Trimming, and Removal**	**Stewart**	**Repealing a provision** relating to tree pruning, trimming, or removal on residential property, etc.	1/13/2021 Filed. Referred to Community Affairs; Judiciary; Rules.	
HB 6023	**Preemption of Tree Pruning, Trimming, and Removal**	**Eskamani**	**Repeals provisions** relating to tree pruning, trimming, & removal on residential property.	1/12/2021 Filed. Referred to Local Administration and Veterans Affairs Subcommittee; Commerce Committee; State Affairs Committee.	
SB 594	**Preemption of Recycliable and Polystyrene Materials**	**Stewart/Polsky**	**Deleting preemptions** of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc.	1/12/2021 Filed. Referred to Environment and Natural Resources; Community Affairs; Rules.	
HB 6027	**Preemption of Recycliable and Polystyrene Materials**	**Grieco**	**Removes prohibition** of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS.	1/12/2021 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	
SB 514	**Resiliency**	**Rodrigues**	**Establishing the Statewide Office of Resiliency** within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force adjunct to the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force's recommendations, etc.	1/8/2021 Filed. Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.	On Committee Agenda - Environment & Natural Resources, 2/15/2021
HB 315	**Resiliency**	**LaMarca**	**Establishes Statewide Office of Resiliency** within EOG; provides for appointment of Chief Resilience Officer by Governor; creates Statewide Sea-Level Rise Task Force adjunct to office; authorizes DEP to contract for specified services upon request of task force; authorizes task force to designate technical advisory groups; requires Environmental Regulation Commission to take certain action on task force recommendations; provides appropriation.	1/19/2021 Filed. Referred to Environment, Agriculture & Flooding Subcommittee; Appropriations Committee; State Affairs Committee.	

CITY COMMISSION PRIORITIES SPREADSHEET

BILLS TO OPPOSE					
HB 219	**Vacation Rentals**	**Fischer**	**Preempts regulation of vacation rentals to state**; **prohibits** local law, ordinance, or regulation from **allowing or requiring inspections** or licensing of public lodging establishments, including vacation rentals, or public food service establishments; requires licenses issued by Division of Hotels & Restaurants of DBPR to be displayed conspicuously to public inside licensed establishment.	1/12/2021 Filed. Referred to Regulatory Reform Subcommittee; Ways and Means Committee; Commerce Committee.	Favorable with CS by Regulatory Reform Subcommittee
SB 522	**Vacation Rentals**	**Diaz**	**Preempting the regulation of vacation rentals to the state**; **prohibiting** a local law, ordinance, or regulation from **allowing or requiring inspections** or licensing of public lodging establishments, including vacation rentals, or public food service establishments; requiring licenses issued by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to be displayed conspicuously to the public inside the licensed establishment; requiring advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements, etc.	1/11/2021 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	On Committee Agenda - Regulated Industries, 2/16/2021
SB 62	**Regional Planning Councils**	**Bradley**	Revising a requirement for the Executive Office of the Governor to review and consider certain reports, data, and analyses relating to the revision of the state comprehensive plan; **eliminating the advisory role of regional planning councils in state comprehensive plan preparation and revision; repealing provisions relating to the Florida Regional Planning Council Act;** authorizing local governments to recommend areas of critical state concern to the state land planning agency, etc.	01/05/2021 Filed. Referred to Community Affairs; Judiciary; Rules 01/11/2021.	Committee Substitute by Community Affairs; YEAS 6 NAYS 3. Now in Judiciary.
SB 266	**Home-based Businesses**	**Perry**	Providing legislative findings and intent; specifying conditions under which a business is considered a home-based business; authorizing a home-based business to operate in a residential zone under certain circumstances; **preempting to the state the ability to regulate or license home-based businesses; prohibiting a local government from certain actions relating to the licensure and regulation of home-based businesses, etc.**	12/14/2020 Filed. Referred to Community Affairs; Commerce and Tourism; Rules.	
HB 403	**Home-based Businesses**	**Giallombardo**	Specifies conditions under which business is considered home-based business; authorizes home-based business to operate in residential zone; **prohibits local government from certain actions relating to licensure & regulation of home-based business; authorizes specified business owners to challenge certain local government actions; authorizes prevailing party to recover specified attorney fees & costs.**	1/25/2021 Filed. Referred to Regulatory Reform Subcommittee; Commerce Committee.	Now in Regulatory Reform Subcommittee.

CITY COMMISSION PRIORITIES SPREADSHEET

SB 496	**Growth Management**	**Perry**	Specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; **requiring local governments to include a property rights element in their comprehensive plans; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act;** providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances, etc.	1/7/2021 Filed. Referred to Community Affairs; Judiciary; Rules.	
HB 59	**Growth Management**	**McClain/Sabatini**	**Requires local governments to include property rights element in their comprehensive plans; provides statement of rights that local government may use; requires local government to adopt property rights element by specified date;** prohibits local government's property rights element from conflicting with statutorily provided statement of rights; provides that certain property owners are not required to consent to development agreement changes; prohibits municipality from annexing specified areas; requires DOT to afford right of first refusal to certain individuals; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended.	12/10/2020 Filed. Referred to Local Administration and Veterans Affiars Subcommittee; Civil Justice and Property Rights Subcommittee; State Affairs Committee.	CS by Local Administration & Veterans Affairs Subcommittee. On Committee Agenda - Civil Justice and Property Rights Subcommittee, 2/17/2021.
BILLS TO FOLLOW					
HB 6003	**Vaccinations During Public Health Emergencies**	**Sabatini & Smith**	**Removes authority of State Health Officer to order vaccinations upon declaration of public health emergency;** revises requirement that DOH adopt certain rules.	11/30/20 Filed. Referred to Pandemics and Public Emergencies Committee; Professions and Public Health Subcommittee; Health and Human Services Committee.	
HB 883	**County and Municipal Code Enforcement**	**Overdorf**	Prohibits certain code inspectors from initiating investigations & initiating enforcement proceedings of potential violations of codes & ordinances by way of anonymous complaints; requires specified information to be provided before investigation or proceeding occurs.	2/10/2021 Filed.	

CITY COMMISSION PRIORITIES SPREADSHEET

SB 60	**County and Municipal Code Enforcement**	**Bradley**	Prohibiting code inspectors designated by boards of county commissioners from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; prohibiting code inspectors from initiating enforcement proceedings for potential violations of codes and ordinances by way of anonymous complaints; prohibiting code enforcement officers from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; **prohibiting code inspectors designated by governing bodies of municipalities from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the governing body before an investigation occurs, etc.**	Filed 01/05/21; Referred to Community Affairs, Governmental Oversight and Accountability; Rules.	CS by Community Affairs; YEAS 6 NAYS 3; Now in Governmental Oversight & Accountability.
HB 1	**Combating Public Disorder**	**Fernandez-Barquin**	**Authorizes residents of municipality to file an appeal to Administration Commission if municipality makes reduction to budget of municipal law enforcement agency;** revises provisions prohibiting obstructing traffic; **provides for cause of action against municipality for failing to provide law enforcement protection during riot;** revises penalty for assault or battery committed in furtherance of riot or aggravated riot; revises minimum term of imprisonment for battery on law enforcement officer in furtherance of riot; **revises prohibition on damaging memorial;** revises penalties for burglary or theft during riot & facilitated by riot; revises prohibition on fighting in public place; prohibits specified assemblies from engaging in disorderly & violent conduct; prohibits inciting or encouraging riot; creates affirmative defense to civil action where plaintiff participated in riot or unlawful assembly.	1/6/2021 Filed. Referred to Criminal Justice and Public Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee.	Favorable by Criminal Justice, YEAS 11 NAYS 6. Now in Justice Appropriations Subcommittee.
SB 484	**Combating Public Disorder**	**Burgess**	**Authorizing a resident of a municipality to file an appeal to the Administration Commission if the governing body of the municipality makes a specified reduction to the operating budget of a municipal law enforcement agency; creating a cause of action against a municipality for obstructing or interfering with reasonable law enforcement protection during a riot or an unlawful assembly;** increasing the offense severity ranking of an aggravated assault for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; prohibiting defacing, injuring, or damaging a memorial; prohibiting cyberintimidation by publication, etc.	1/6/2021 Filed. Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	
HB 215	**Prohibition of Public Funds for Lobbying by Local Governments**	**Sabatini**	**Prohibits local governments from using public funds to retain lobbyists;** provides exceptions; provides sanctions for violations; authorizes people to file complaints with the Commission on Ethics; requires commission to provide a report to specified entities; specifies procedures for disciplining violators.	1/11/2021 Filed. Referred to Public Integrity and Elections Committee; Local Administration and Veterans Affairs Subcommittee; State Affairs Committee.	

CITY COMMISSION PRIORITIES SPREADSHEET

SB 64	**Reclaimed Water**	**Albritton**	**Requiring certain domestic wastewater utilities to submit to the Department of Environmental Protection by a specified date a plan for eliminating nonbeneficial surface water discharge within a specified timeframe**; requiring domestic wastewater utilities applying for permits for new or expanded surface water discharges to prepare **a specified plan for eliminating nonbeneficial discharges as part of its permit application;** providing that potable reuse is an alternative water supply and that projects relating to such reuse are eligible for alternative water supply funding; **requiring** counties, **municipalities**, and special districts **to authorize graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies**, etc.	1/7/2021 Filed. Referred to Environmenta and Natural Resources; Community Affairs; Appropriations.	CS by Environment and Natural Resources; YEAS 4 NAYS 0. Now in Community Affairs.
HB 263	**Reclaimed Water**	**Maggard**	**Requires certain wastewater utilities to submit, implement, & update plans eliminating nonbeneficial surface water discharge**; directs DEP to approve plans & make related determinations & submit reports to Legislature; provides administrative & civil penalties; authorizes DEP to convene technical advisory groups; provides that potable reuse is alternative water supply & eligible for expedited permitting & priority funding; directs DEP & water management districts to develop coordinated permit review; **requires local governmental entities to authorize use of & provide incentives for graywater technologies**; provides that residential graywater systems meet certain water conservation requirements.	1/14/2021 Filed; Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee.	Now in Environment, Agriculture & Flooding Subcommittee
SB 284	**Building Design**	**Perry**	**Prohibiting certain regulations relating to building design elements** from being applied to certain structures; providing exceptions; defining the term "building design elements", etc.	12/17/2020 Filed. Referred to Community Affairs; Regulated Industries; Rules.	
HB 55	**Building Design**	**Overdorf**	**Provides that regulations relating to building design elements may not be applied to certain structures.**	12/10/2020 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	Favorable with CS by Regulatory Reform Subcommittee.
SB 142	**Craft Distilleries**	**Brandes**	Repealing provisions relating to limitations on the size of individual wine containers and the size of individual cider containers; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from the restaurant for off-premises consumption; **revising the requirements for the sale of branded products by a licensed distillery or craft distillery to consumers;** revising requirements relating to the shipping of distilled spirits to consumers by a craft distillery, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Trourism; Rules.	

CITY COMMISSION PRIORITIES SPREADSHEET

HB 737	**Craft Distilleries**	**DiCeglie**	**Authorizes craft distilleries to be licensed as specified vendors under certain circumstances**; requires certain alcoholic beverages to be obtained through licensed distributor; prohibits distillery from operating as craft distillery until certain requirements are met; authorizes persons to have common ownership in craft distilleries under certain circumstances; requires minimum percentage of craft distillery's total finished branded products to be distilled in this state & contain one or more Florida agricultural products.	2/3/2021 Filed.	
SB 46	**Craft Distilleries**	**Hutson**	**Authorizing craft distilleries to be licensed as specified vendors under certain circumstances;** requiring certain alcoholic beverages to be obtained through a licensed distributor that meets specified criteria; prohibiting a distillery from operating as a craft distillery until certain requirements are met; authorizing persons to have common ownership in craft distilleries under certain circumstances; requiring a minimum percentage of a craft distillery's total finished branded products to be distilled in this state and contain one or more Florida agricultural products, etc.	12/18/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	CS by Regulated Industries; YEAS 9 NAYS 0. On Committee Agenda - Commerce & Tourism, 2/15/2021

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 7	**Civil Liability for Damages Relating to COVID-19**	**McClure**	Provides **requirements for civil action based on COVID-19-related claim**; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability.	Filed 01/06/21; Referred to Civil Justice and Property Rights Subcommittee, Pandemics and Public Emergencies Committee, Judiciary Committee, On Committee agenda-Civil Justice and Property Rights Subcommittee 01/13/21.	Favorable by Civil Justice and Property Rights Subcommittee; YEAS 11 NAYS 6; Favorable by Pandemics & Public Emergencies. On Committee Agenda - Judiciary Committee, 2/16/2021.
SB 72	**Civil Liability for Damages Relating to COVID-19**	**Brandes**	Provides **requirements for civil action based on COVID-19-related claim**; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability.	Filed 01/06/21; Referred to Judiciary; Commerce and Tourism; Rules.	Favorable by Judiciary; YEAS 7 NAYS 4. On Committee Agenda - Commerce and Tourism, 2/15/2021
HB 15	**Online Marketplace Sale Tax**	**Clemons & LaMarca**	Revises conditions for certain dealers subject to sales tax; deletes exemption for certain dealers from collecting local option surtaxes; provides **certain marketplace providers are subject to registration, collection, & remittance requirements for sales taxes**; requires marketplace providers to provide certification to marketplace sellers; specifies requirements for marketplace sellers; requires marketplace providers to allow DOR to audit books & records; provides that marketplace seller is liable for sales tax collection & remittance; authorizes marketplace providers & marketplace sellers to enter into agreements to recover certain taxes, interest, & penalties; grants DOR settlement & compromise authority for marketplace sales; removes authority of DOR to negotiate collection allowance with certain dealers.	Filed 11/30/20; Referred to Ways and Means Committee; Commerce Committee.	
SB 50	**Online Marketplace Sale Tax**	**Gruters**	Revises conditions for certain dealers subject to sales tax; deletes exemption for certain dealers from collecting local option surtaxes; **provides certain marketplace providers are subject to registration, collection, & remittance requirements for sales taxes**; requires marketplace providers to provide certification to marketplace sellers; specifies requirements for marketplace sellers; requires marketplace providers to allow DOR to audit books & records; provides that marketplace seller is liable for sales tax collection & remittance; authorizes marketplace providers & marketplace sellers to enter into agreements to recover certain taxes, interest, & penalties; grants DOR settlement & compromise authority for marketplace sales; removes authority of DOR to negotiate collection allowance with certain dealers.	Referred to Commerce and Tourism, Finance and Tax, and Appropriations 12/21/20.	Favorable by Commerce and Tourism; YEAS 11 NAYS 0. On Committee Agenda - Finance and Tax, 2/18/2021
SB 44	**Drones**	**Wright**	**Expanding the authorized uses of drones by law enforcement agencies, by a state agency or political subdivision, or by certified fire department personnel** for specified purposes, etc.	Filed 12/28/20; Referred to Criminal Justice, Military and Veterans Affairs, Space, and Domestic Security; Rules	CS by Criminal Justice; YEAS 8 NAYS 0. On Committee Agenda - Military and Veterans Affairs, Space, and Domestic Security, 2/16/2021

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 433	**Drones**	**Andrade**	**Expands authorized uses of drones by government agencies & other specified entities for disaster damage assessment.**	1/26/21 Filed. Referred to Pandemics & Public Emergencies Committee; Judiciary Committee.	On Committee Agenda - Pandemics & Public Emergencies Committee Agenda, 2/17/2021
SB 154	**Local Government Fiscal Transparency**	**Diaz**	Expanding the **scope of a Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements;** providing procedures for the Auditor General and local governments to comply with the local government fiscal transparency requirements; **revising reporting requirements for certain local government economic development incentives; creating the "Local Government Fiscal Transparency Act"; requiring local governments to post certain voting record information on their websites, etc.**	Filed 12/04/20; Referred to Community Affairs; Finance and Tax; Appropriations.	
SB 456	**Municipal Law Enforcement Agencies**	**Bracy**	Specifying that **discussions between the chief executive officer of a municipality** or a representative thereof and the municipality's governing body **regarding disciplinary measures for municipal law enforcement officers which are proposed for inclusion in a collective bargaining agreement are subject to public meetings requirements;** requiring the governing body of a municipality to **solicit comments and input from the general public and relevant advocacy or special interest groups** in the review and development of officer disciplinary procedures in collective bargaining agreements, etc.	Filed 01/06/21. Referred to Judiciary; Criminal Justice; Rules.	
SB 304	**Wage and Employment Benefits Requirements**	**Taddeo**	**Repealing provisions** relating to restrictions on the establishment of minimum wage and employment benefits requirements by political subdivisions, etc.	12/18/2020 Filed. Referred to Commerce and Trourism; Community Affairs; Rules	
HB 6031	**Wage and Employment Benefits Requirements**	**Smith, C.**	**Repeals provisions** relating to prohibitions on the establishment of minimum wage and employment benefits requirements by political subdivisions.	1/13/2021 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	
SB 546	**Well Stimulation ("Stop Fracking Act")**	**Farmer**	Creating the "**Stop Fracking Act**"; prohibiting persons from engaging in extreme well stimulation; prohibiting the Department of Environmental Protection from issuing permits that authorize extreme well stimulation; prohibiting the department from authorizing certain permitholders to engage in extreme well stimulation on or after a specified date; imposing a specified fine for violations, etc.	1/12/2021 Filed. Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.	

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 672	**Preemption of Firearms and Ammunition Regulation**	**Taddeo**	**Repealing a provision relating to the preemption** of the field of regulation of firearms and ammunition to the Legislature, to the exclusion of local jurisdictions, etc.	1/14/2021 Filed. Referred to Judiciary; Community Affairs; Criminal Justice; Rules.	
HB 6033	**Preemption of Firearms and Ammunition Regulation**	**Daley**	**Repeals provisions preempting** the field of regulation of firearms & ammunition to Legislature, to exclusion of local jurisdictions.	1/14/2021 Filed. Referred to Criminal Justice & Public Safety Subcommittee; Local Administration & Veterans Affairs Subcommittee; Judiciary Committee	Now in Cirminal Justice & Public Safety Subcomittee.
HB 329	**Beverage Law**	**Tomkow**	**Authorizes food service establishments to sell or deliver alcoholic beverages for off-premises consumption if requirements are met**; revises provisions that authorize restaurant to allow patrons to remove partially consumed bottles of wine from restaurant for off-premises consumption; revises requirements for sale of alcoholic beverages by certain vendors.	1/19/2021 Filed. Referred to Regulatory Reform Subcommittee; Commerce Committee.	Now in Regulatory Reform Subcommittee.
SB 134	**Beverage Law**	**Brandes**	**Authorizing certain food service establishments to sell or deliver alcoholic beverages for off-premises consumption if specified requirements are met;** revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from a restaurant for off-premises consumption; revising requirements for the sale of alcoholic beverages by certain vendors, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Trourism; Rules.	
SB 148	**Beverage Law**	**Bradley**	**Authorizing certain food service establishments to sell or deliver alcoholic beverages for off-premises consumption if specified requirements are met, etc.**	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Trourism; Rules.	On Committee Agenda - Regulated Industries, 2/16/2021
SB 480	**Statewide Police Misconduct Registry**	**Bracy**	Requiring the Department of Law Enforcement to establish by a certain date and maintain **a statewide police misconduct registry; specifying information that the registry must contain on all state and local law enforcement officers; requiring the head of each state and local law enforcement agency to periodically submit specified information** to the department beginning on a specified date, etc.	1/6/2021 Filed. Referred to Judiciary; Criminal Justice; Appropriations.	
HB 277	**Statewide Police Misconduct Registry**	**Thompson**	Requires FDLE to establish & maintain **statewide police misconduct registry; specifies information that registry must contain; requires head of each state & local law enforcement agency to periodically submit specified information;** requires FSLE to publish information on its website.	1/15/2021 Filed. Referred to Criminal Justice & Public Safety Subcommittee; Public Integrity & Elections Committee; Justice Appropriations Subcommittee; Judiciary Committee.	Now in Criminal Justice & Public Safety Subcommittee.
SB 692	**Medical Marijuana Public Employee Protection**	**Polsky**	**Prohibiting an employer from taking adverse personnel action against an employee or a job applicant who is a qualified patient using medical marijuana; providing exceptions**; requiring an employer to provide written notice of an employee or job applicant's right to explain a positive marijuana test result within a specified timeframe; providing procedures when an employee or job applicant tests positive for marijuana, etc.	1/21/2021 Filed. Referred to Governmental Oversight and Accountability; Health Policy; Rules.	

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 335	Medical Marijuana Public Employee Protection	Duran	**Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana;** requires employers to provide written notice of employee or applicant's right to explain positive test result for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages.	1/19/2021 Filed. Referred to Government Operations Subcommittee; Professions & Public Health Subcommittee; Appropriations Committee; State Affairs Committee.	Now in Government Operations Subcommittee
HB 337	Impact Fees	DiCeglie	**Specifies instances when local government or special district may collect impact fee; requires local governments & special districts to credit against collection of impact fee any contribution related to public facilities**; provides annual limitations on impact fee increases; requires school districts to report specified items regarding impact fees; requires specified entities to file affidavit attesting that impact fees were appropriately collected & expended.	1/19/2021 Filed. Referred to Local Administration & Veterans Affairs Subcommittee; Referred to Ways & Means Committee; Referred to State Affairs Committee.	Now in Local Administration & Veterans Affairs Subcommittee
SB 750	Impact Fees	Gruters	**Specifying instances when a local government or special district may collect an impact fee; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities;** providing annual limitations on impact fee rate increases; requiring school districts to report specified items regarding impact fees, etc.	1/25/2021 Filed. Referred to Community Affairs; Finance and Tax; Appropriations.	
HB 735	Preemption of Local Occupational Licensing	Harding	**Preempts licensing of occupations to state; prohibits local governments from imposing or modifying licensing requirements**; specifies certain local licensing may not be enforced; specifies certain specialty contractors are not required to register with Construction Industry Licensing Board; **prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local government may not require license**; authorizes counties & municipalities to issue journeyman licenses.	2/3/2021 Filed.	
SB 268	Preemption of Local Occupational Licensing	Perry	Preempting licensing of occupations to the state; **prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met**; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc.	12/14/2020 Filed. Referred to Regulated Industries; Community Affairs; Rules.	
SB 400	Public Records	Rodrigues	**Prohibiting an agency that receives a request to inspect or copy a record from responding to such request by filing an action for declaratory relief against the requester, etc.**	12/20/2020 Filed. Referred to Governmental Oversight and Accountability; Judiciary; Rules.	Favorable by Governmental Oversight and Accountability; YEAS 6 NAYS 0. Now in Judiciary.
HB 913	Public Records	McClure	**Prohibits agency that receives request to inspect or copy record from responding to such request by filing action for declaratory relief against requester.**	2/10/2021 Filed.	

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 35	Legal Notices	Grieco	Provides for **website publication of legal notices;** provides criteria for such publication; authorizes fiscally constrained county to use publicly accessible website to publish legally required advertisements & public notices; requires government agency to provide specified notice to residents concerning alternative methods of receiving legal notices.	12/7/2020 Filed. Referred to Civil Justice and Property Rights Subcommittee; Judiciary Committee.	Favorable by Civil Justice and Property Rights Subcommittee. Now in Judiciary Committee.
SB 402	Legal Notices	Rodrigues	**Authorizing legal notifications in certain cases to be published on a website established by the Supreme Court**, in lieu of newspaper publication; specifying that website publication constitutes proof of publication, unless otherwise determined by a court; authorizing a county to publish such legal notifications in a newspaper, subject to certain limitations, etc.	12/29/2020 Filed. Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	On Committee Agenda - Judiciary, 2/15/2021.
SB 334	Regulation of Smoking in Public Places	Gruters/Hutson/ Perry	Revising a short title; **authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances;** prohibiting smoking within the boundaries of a state park, etc.	12/18/2020 Filed. Referred to Community Affairs; Environment and Natural Resources; Rules.	Favorable by Community Affairs; YEAS 8 NAYS 1. Now in Environment and Natural Resources.
HB 239	Regulation of Smoking in Public Places	Altman	**Authorizes counties & municipalities to further restrict smoking within boundaries of public beaches & public parks under certain circumstances.**	1/13/2021 Filed. Referred to Professions and Public Health Subcommittee; Environment, Agriculture and Flooding Subcommittee; Health and Human Services Committee.	
SB 810	Prohibited Governmental Transactions Involving Certain Companies and Products	Gruters	**Prohibiting a state agency or a local governmental entity from purchasing any products that were produced, or that contain a specified percentage of parts that were produced, in China**; providing that a contract for the purchase of products by a state agency or a local governmental entity must include a provision authorizing the termination of such contract in certain circumstances; **prohibiting a state agency or a local governmental entity from purchasing any product made or sold or service provided by certain technology companies, etc.**	1/26/2021 Filed. Referred to Commerce and Tourism; Governmental Oversight and Accountability; Community Affairs; Appropriations; Rules.	
HB 439	Prohibited Governmental Transactions Involving Certain Companies and Products	Fine	**Prohibits agency or local governmental entity from purchasing any good made, or that contains specified percentage of parts that were produced, in China; prohibits agency or local governmental entity from purchasing any good or service made, sold, or provided by certain technology companies**; provides that contract for purchase or provision of goods or services by agency or local governmental entity must include provision authorizing termination of such contract in certain circumstances.	1/26/2021 Filed. Referred to Public Integrity & Elections Committee; Government Operations Subcommittee; State Administration & Technology Appropriations Subcommittee; State Affairs Committee.	Now in Public Integrity & Elections Committee
SB 856	State Preemption of Energy Infrastructure Regulations	Hutson	**Defining the term "energy infrastructure"; preempting to the state the regulation of the construction of energy infrastructure, etc.**	01/27/2021 Filed. Referred to Regulated Industries; Community Affairs; Rules.	

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 839	State Preemption of Energy Infrastructure Regulations	Fabricio	**Prohibits local government from regulating energy infrastructure; preempts such regulation to state.**	2/9/2021 Filed.	
SB 816	County Court Judges	Hutson	**Increasing the number of county court judges authorized for St. Johns County, etc.**	1/26/2021 Filed. Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	
HB 417	County Court Judges	Stevenson	**Increases the number of county court judges authorized for St. Johns County.**	1/25/2021 Filed. Referred to Justice Appropriations Subcommittee; Civil Justice & Property Rights Subcommittee; Appropriations Committee.	Now in Justice Appropriations Subcommittee.
New Bills Added After February 8, 2021					
HB 593	Medical Marijuana Retail Facilities	Nixon	**Authorizes licensed medical marijuana retail facilities to dispense marijuana, marijuana delivery devices, & edibles;** specifies prohibitions relating to ownership & operation of such facilities; imposes criminal penalties for specified unlicensed activities; authorizes such facilities to access confidential & exempt information in medical marijuana use registry for certain verification purposes.	1/29/2021 Filed.	
SB 562	Medical Marijuana Retail Facilities	Thurston	**Prohibiting qualified physicians and caregivers from being employed by or having an economic interest in a medical marijuana retail facility;** authorizing, rather than requiring, medical marijuana treatment centers to cultivate, process, transport, and dispense marijuana for medical use; prohibiting an individual or entity from being awarded more than one facility license; providing requirements for the transfer of ownership of a medical marijuana retail facility; **prohibiting a medical marijuana retail facility from engaging in Internet sales; prohibiting medical marijuana retail facilities from being located within a specified distance from school properties, etc.**	1/12/2021 Filed. Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations.	
SB 564	Medical Marijuana Retail Facilities/ Fees	Thurston	**Requiring the Department of Health to impose initial application and biennial renewal fees for the licensing of medical marijuana retail facilities, etc.**	1/12/2021 Filed. Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations.	
HB 595	Medical Marijuana Retail Facilities/ Fees	Nixon	**Requires DOH to impose initial application & biennial renewal fees for licensing of medical marijuana retail facilities.**	1/29/2021 Filed.	

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 942	Law Enforcement Agnecy Standards	Gibson	Requires FDLE to adopt rules setting minimum requirements for policies of law enforcement agencies; specifying areas to be addressed by those policies; requiring FDLE to create model procedures documents for law enforcement agencies; specifying requirements of the documents.	1/29/2021 Filed. Referred to Governmental Oversight and Accountability; Criminal Justice; Appropriations.	
HB 647	Law Enforcement Agency Standards	Davis	Requires FDLE to adopt rules setting minimum requirements for policies of law enforcement agencies; specifying areas to be addressed by those policies; requiring FDLE to create model procedures documents for law enforcement agencies; specifying requirements of the documents.	2/1/2021 Filed.	
HB 569	Law Enforcement Body and Dashboard Cameras	Chambliss	Mandates that law enforcement agencies require officers to wear & use body cameras in certain circumstances; provides an exception; mandates that law enforcement agencies require law enforcement vehicles to be equipped with & use dashboard cameras in certain circumstances.	1/28/2021 Filed.	
SB 452	Law Enforcement Body and Dashboard Cameras	Book	Requiring every law enforcement agency to mandate that its law enforcement officers wear body cameras and use vehicle dash cameras; requiring law enforcement agencies to establish specified policies and procedures, etc.	1/6/2021 Filed. Referred to Judiciary; Criminal Justice; Appropriations.	
SB 740	Law Enforcement Body and Dashboard Cameras	Bracy	Comprehensive bill requiring Citizen Review Boards for Counties and Requiring every law enforcement agency to mandate that its law enforcement officers wear body cameras and use vehicle dash cameras; requiring law enforcement agencies to establish specified policies and procedures, etc.	1/22/2021 Filed. Referred to Judiciary; Criminal Justice; Appropriations.	
SB 674	Tax Exemption for Affordable Housing	Rodriguez	Authorizing counties and municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for the governmental or public purpose of providing affordable housing to certain persons or families; specifying procedures in the event property is transferred for other purposes; specifying procedures in the event an exemption is improperly granted as a result of certain acts by the property appraiser, etc.	1/15/2021 Filed. Referred to Community Affairs; Finance and Tax; Appropriations.	
HB 563	Tax Exemption for Affordable Housing	Rodriguez	Authorizes counties & municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for affordable housing; provides parameters for exemption; specifies procedures in event property is transferred for other purposes or exemption is improperly granted as result of certain acts by property appraiser.	1/28/2021 Filed.	

** Bills with no counterpart in Senate or House have minimal chance of passage.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: February 11, 2021

RE: Discussion on Event Permitting

As you are all aware, the City has not been issuing permits for special events due to COVID-19. I felt it was time to re-visit this issue and let you know about the events that would like to be permitted if allowed by the City, and what their plans are at this time. Please see the list for 2021 below:

March

12-14	Celtic Festival	**Cancelled for 2021**
13	St Patrick's Parade	**Cancelled for 2021**
19-21	Lions Seafood	**Plan to move forward if permitted**
20	Festival of Chariots	**Plan to move forward if permitted**
27-28	Old Town Art Show	**Plan to move forward if permitted**
27	Blessing of the Fleet	**Plan to move forward if permitted**

April

2	Coquina Church: Good Friday in Gazebo	**Plan to move forward if permitted**
3	Easter Parade	**Cancelled for 2021**
9-11	Rhythm and Ribs	**Requested a permanent move to October**
10	Lighthouse 5K Junior Service League	**Plan to move forward if permitted**
24	Family Fun Fest	**Plan to move forward if permitted**
24	Drake's Raid Garrision/Men of Menendez	**Plan to move forward if permitted**

May

1	Unidos en las Musica (Latin Festival)	**Plan to move forward if permitted**
9	Alligator Farm Raptor Run	**Plan to move forward if permitted**
15	"As If" Festival	**Plan to move forward if permitted**

I look forward to discussing the permitting of these events at the February 22, 2021 Commission Meeting.

Feel free to contact me with any questions.

Sincerely,

John P. Regan, P.E.
City Manager

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 4, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 1061 N. ORANGE STREET**

Enclosed is a Satisfaction and Release of Mortgage for 1061 N. Orange Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, Kevin Spilling, and Gina Baker. The mortgage was recorded in the Public Records of St. Johns County on July 25, 2018. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 22, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **KEVIN SPILLING and GINA BAKER**, whose address is 1061 N. Orange Street, St. Augustine, Florida 32084, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated June 26, 2018, recorded at Official Records Book 4585, Page 1212, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4585, Page 1212, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

_____
Darlene Galambos, City Clerk
(S E A L)

By:_____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 17, BLOCK 109 OF AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT UNIT NO.3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE(S) 8, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 118260-0170

LOCATION ADDRESS: 1061 N. ORANGE STREET, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2018053309
BK: 4585 PG: 1212
7/25/2018 11:06 AM
Recording $61.00
Doc M: $7.70
Int. Tax $4.27

UNIT CONNECTION FEE MORTGAGE

THIS MORTGAGE, by and between **Kevin Spilling & Gina Baker** whose address is 1061 N. Orange Street St. Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $25.00 for 106 months, with the first payment due August 15, 2018

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 26th day of June, 2018.

Signed, sealed and delivered in the presence of:

Witness
Printed Name: Maxwell J. Moulton

Witness
Printed Name: Joanne Paolini

BY:
(Printed Name) Kevin Spilling
(Address) 1061 N. Orange Street.
(Telephone) 814-403-5520

BY:
(Printed Name) Gina Baker
(Address) 1061 N. Orange Street.
(Telephone) 814-403-5520

* * * **NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE** * * *

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Kevin Spilling,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 26th day of June, 2018.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Gina Baker,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 26th day of June, 2018.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

Exhibit "A"

LEGAL DESCRIPTION

Lot 17, Block 109 of AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT UNIT NO.3, according to the Plat thereof as recorded in Plat Book 4, Page(s) 8, of the Public Records of St. Johns County, Florida.

**aka 1061 N Orange Street, St Augustine, FL 32084 **

Parcel: 118260-0170

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **Kevin Spilling & Gina Baker**
ADDRESS: **1061 N. Orange Street**
St. Augustine, FL 32084

$2,136.00 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **1061 N. Orange Street St. Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **2,136.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **5.03 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **25.00 Dollars**, commencing on **August 15, 2017** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of June 26, 2018,** in the presence of:

Witness
Printed Name: Maxwell J. Moulton

Witness
Printed Name: Joanne Paolini

BY:
(Printed Name) Kevin Spilling
(Address) 1061 N. Orange Street.
(Telephone) 814-403-5520

BY:
(Printed Name) Gina Baker
(Address) 1061 N. Orange Street.
(Telephone) 814-403-5520

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Kevin Spilling,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 26th day of June, 2018.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Gina Baker,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 26th day of June, 2018.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 4, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 1302 EISENHOWER DRIVE**

Enclosed is a Satisfaction and Release of Mortgage for 1302 Eisenhower Drive, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, Brian D. Martinez, and Janet T. Martinez. The mortgage was recorded in the Public Records of St. Johns County on February 1, 2019. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 22, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **BRIAN D. MARTINEZ and JANET T. MARTINEZ**, whose address is 1302 Eisenhower Drive, St. Augustine, Florida 32084, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated January 18, 2019, recorded at Official Records Book 4674, Page 1869, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4674, Page 1869, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

By:_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(S E A L)

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: COMMENCE AT THE SOUTHEAST COMER OF GOVERNMENT LOT 8, SECTION 3, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE RUN NORTH 00 DEGREES 45 MINUTES 10 SECONDS EAST, 1150 FEET TO THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF HEREIN DESCRIBED PROPERTY; THENCE CONTINUE TO RUN NORTH 00 DEGREES 45 MINUTES 10 SECONDS EAST, 75 FEET; THENCE RUN NORTH 89 DEGREES 41 MINUTES 42 SECONDS EAST, 250 FEET; THENCE RUN SOUTH 00 DEGREES 45 MINUTES 10 SECONDS WEST, 75 FEET; THENCE RUN SOUTH 89 DEGREES 41 MINUTES 42 SECONDS WEST, 250 FEET TO THE POINT OF BEGINNING.

FOR INFORMATIONAL PURPOSES ONLY

THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 1302 EISENHOWER DRIVE, ST. AUGUSTINE, FL 32084. BEING THE SAME PROPERTY, WHICH BY DEED DATED JULY 17, 1996 AND RECORDED JULY 22, 1996 AMONG THE LAND RECORDS OF ST. JOHNS COUNTY, FLORIDA IN BOOK 1184, PAGE 2030, INSTRUMENT NO. 96025581, WAS GRANTED AND CONVEYED BY KEITH WEMINCK UNTO BRIAN D. MARTINEZ AND JANET K. PACETTI-MARTINEZ.

PARCEL ID NUMBER: 086220-1636

LOCATION ADDRESS: 1302 EISENHOWER DRIVE, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2019007321
BK: 4674 PG: 1869
2/1/2019 11:55 AM
Recording $61.00
Doc M: $9.80
Int Tax $52.50

UNIT CONNECTION FEE MORTGAGE

THIS MORTGAGE, by and between **Brian D. Martinez and Janet T. Martinez** whose address is 1302 Eisenhower Drive St. Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $30.06 for 120 months, with the first payment due February 15, 2019

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 18th day of January, 2019.

Signed, sealed and delivered in the presence of:

Witness
Printed Name: Maxwell Moulton

Witness
Printed Name: Cori Niles

Witness
Printed Name: Maxwell Moulton

Witness
Printed Name: Cori Niles

BY: _____
(Printed Name) Brian D. Martinez
(Address) 1302 Eisenhower Drive.
(Telephone) 904-759-5834

BY: _____
(Printed Name) Janet K. Martinez
(Address) 1302 Eisenhower Drive.
(Telephone) 904-759-5834

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Brian D. Martinez,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 18th day of January, 2019.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Janet K. Martinez,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 18th day of January, 2019.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

Exhibit "A"

LEGAL DESCRIPTION

Commence at the Southeast corner of Government Lot 8, Section 3, Township 7 South, Range 29 East, St. Johns County, Florida; thence run North 00 degrees 45 minutes 10 seconds East, 1150 feet to the POINT OF BEGINNING at the Southwest corner of herein described property; thence continue to run North 00 degrees 45 minutes 10 seconds East, 75 feet; thence run North 89 degrees 41 minutes 42 seconds East, 250 feet; thence run South 00 degrees 45 minutes 10 seconds West, 75 feet; thence run South 89 degrees 41 minutes 42 seconds West, 250 feet to the POINT OF BEGINNING.

FOR INFORMATIONAL PURPOSES ONLY
The improvements thereon being known as No. 1302 Eisenhower Drive, St. Augustine, FL 32084.

Being the same property, which by Deed dated July 17, 1996 and recorded July 22, 1996 among the Land Records of St. Johns County, Florida in Book 1184, Page 2030, Instrument No. 96025581, was granted and conveyed by Keith Werninck unto Brian D. Martinez and Janet K. Pacetti-Martinez.

PARCEL ID NO: 086220-1636

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **Brian D. Martinez & Janet K. Martinez**
ADDRESS: **1302 Eisenhower Drive**
St. Augustine, FL 32084

$2,762.50 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **1302 Eisenhower Drive St. Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **2,762.50 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **5.56 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **30.06 Dollars**, commencing on **February 15, 2019** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of January 18, 2018,** in the presence of:

Witness
Printed Name: Maxwell Moulton

Witness
Printed Name: Cori Niles

Witness
Printed Name: Maxwell Moulton

Witness
Printed Name: Cori Niles

BY:
(Printed Name) Brian D. Martinez
(Address) 1302 Eisenhower Drive.
(Telephone) 904-759-5834

BY:
(Printed Name) Janet K. Martinez
(Address) 1302 Eisenhower Drive.
(Telephone) 904-759-5834

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Brian D. Martinez,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 18th day of January, 2019.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Janet K. Martinez,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 18th day of January, 2019.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 9, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 925 COLLIER BOULEVARD**

Enclosed is a Satisfaction and Release of Mortgage for 925 Collier Boulevard, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Robert M. Bush. The mortgage was recorded in the Public Records of St. Johns County on July 1, 2013. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 22, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **ROBERT M. BUSH**, whose address is 925 Collier Boulevard, St. Augustine, Florida 32084, his heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated June 25, 2013, recorded at Official Records Book 3755, Page 241, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 3755, Page 241, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

_____
Darlene Galambos, City Clerk
(S E A L)

By:_____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 388 AND 389 COLLIER HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 8, PAGE 2, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 134060-3880

LOCATION ADDRESS: 925 COLLIER BOULEVARD, ST. AUGUSTINE, FLORIDA 32084

Public Records of
St. Johns County, FL
Clerk # 2013043823,
O.R. 3755 PG 241-246
07/01/2013 at 01:49 PM,
REC. $25.00 SUR. $27.50
Doc. M $15.75
Int Tax $8.97

UNIT CONNECTION FEE MORTGAGE

THIS MORTGAGE, by and between **Robert M Bush**, whose address is 925 Collier Boulevard, hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Department, St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity may be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee may foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $43.70 for 120 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 25th day of June 2013.

Signed, sealed and delivered
in the presence of:

Barbara J. Muench
Witness
Printed Name: Barbara J Muench

Ruth A. Cabrera
Witness
Printed Name: Ruth A. Cabrera

BY: Robert M Bush
(Printed Name) Robert M Bush
(Address) 925 Collier Boulevard
(Telephone) 904-392-8055

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Robert M Bush**, who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 25th day of June 2013.

Barbara J. Muench

Notary Public, State of Florida

NOTARY PUBLIC STATE OF FLORIDA
Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

LEGAL DESCRIPTION

Lot 388 and 389 Collier Heights, according to the plat thereof, as recorded in Map Book 8, Page 2, public records of St. Johns County, Florida.

Parcel Id No.: 134060-3880

Exhibit "A"

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **Robert M Bush**
ADDRESS: **925 Collier Boulevard**
St. Augustine, FL 32084

$4,483.00 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **925 Collier Boulevard,** the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **4,483.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.20 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **43.70 Dollars** each, commencing on the date hereof and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **Dated as of: June 25, 2013,** in the presence of:

Barbara J. Muench
Witness
Printed Name: Barbara J Muench

Ruth A. Cabrera
Witness
Printed Name: Ruth A. Cabrera

BY: Robert M Bush
(Printed Name) Robert M Bush
(Address) 925 Collier Boulevard
(Telephone) 904-392-8055

STATE OF FLORIDA

COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Robert M Bush**, who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 25th day of June 2013.

Barbara J. Muench
Notary Public, State of Florida

NOTARY PUBLIC STATE OF FLORIDA
Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 10, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 6 HELEN STREET**

Enclosed is a Satisfaction and Release of Mortgage for 6 Helen Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Tara Ganson. The mortgage was recorded in the Public Records of St. Johns County on August 14, 2018. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 22, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **TARA GANSON**, whose address is 6 Helen Street, St. Augustine, Florida 32084, her heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated July 30, 2018, recorded at Official Records Book 4596, Page 1650, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4596, Page 1650, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

_____
Darlene Galambos, City Clerk
(S E A L)

By:_____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: PT OF RAVENSWOOD SUB N40FT OF LOT 7 ALL LOT 8 & E50FT OF LOT 17 & E50 OF N40FT OF LOT 18 BLK 17 & PT OF OSTEEN AVE FKA SEBASTIAN ST VACATED IN OR729/1709 OR769/1812.

PARCEL ID NUMBER: 107930-0010

LOCATION ADDRESS: 6 HELEN STREET, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2018058802
BK: 4596 PG: 1650
8/14/2018 12:37 PM
Recording $61.00
Doc M: $28.00
Int. Tax $15.88

UNIT CONNECTION FEE MORTGAGE

THIS MORTGAGE, by and between **Tara Ganson** whose address is 6 Helen Street St. Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $84.63 for 120 months, with the first payment due September 15, 2018

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 30th day of July, 2018.

Signed, sealed and delivered in the presence of:

Witness
Printed Name: Maxwell Moulton

Witness
Printed Name: Joanne Paolini

BY:

(Printed Name) Tara Ganson
(Address) 6 Helen Street.
(Telephone) 904-315-4203

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Tara Ganson,** who is personally known to me or who has produced FL Driver's License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 30th day of July, 2018.

Notary Public, State of Florida

NOTARY PUBLIC STATE OF FLORIDA
MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

Exhibit "A"

LEGAL DESCRIPTION

PT OF RAVENSWOOD SUB N40FT OF LOT 7 ALL LOT 8 & E50FT OF LOT 17 & E50 OF N40FT OF LOT 18 BLK 17 & PT OSTEEN AVE FKA SEBASTIAN ST VACATED IN OR729/1709 OR769/1812

Parcel:107930-0010

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **Tara Ganson**
ADDRESS: **6 Helen Street**
St. Augustine, FL 32084

$7.939.00 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **6 Helen Street St. Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **7.939.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **5.11 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **84.63 Dollars**, commencing on **September 15, 2017** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of July 30, 2018,** in the presence of:

Witness
Printed Name: Maxwell Moulton

Witness
Printed Name: Joanne Paolini

BY:

(Printed Name) Tara Ganson
(Address) 6 Helen Street
(Telephone) 904-315-4203

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Tara Ganson,** who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 30th day of July, 2018.

Notary Public, State of Florida

NOTARY PUBLIC STATE OF FLORIDA
MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 10, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 3762 OLD LEWIS SPEEDWAY**

Enclosed is a Satisfaction and Release of Mortgage for 3762 Old Lewis Speedway, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Craig Rowe. The mortgage was recorded in the Public Records of St. Johns County on July 25, 2018. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 22, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **CRAIG ROWE**, whose address is 3762 Old Lewis Speedway, St. Augustine, Florida 32084, his heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated June 12, 2018, recorded at Official Records Book 4585, Page 1233, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4585, Page 1233, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

_____
Darlene Galambos, City Clerk

By:_____
Tracy Upchurch, Mayor-Commissioner

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOTS 3, 4 AND A PORTION OF LOT 5, BLOCK 7 OF NAVARA PARK SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 143 OF THE PUBLIC OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A COQUINA MONUMENT MARKING THE SOUTHWEST CORNER OF SAID BLOCK 7; THENCE NORTH 00 DEGREES 13 MINUTES 53 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID BLOCK 7, A DISTANCE OF 106.55 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD LEWIS SPEEDWAY ROAD, (A 66 FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED): THENCE NORTH 81 DEGREES 39 MINUTES 37 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 81 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 07 DEGREES 58 MINUTES 31 SECONDS EAST, DEPARTING FROM SAID RIGHT-OF-WAY LINE, A DISTANCE OF 138.81 FEET TO A CURVE ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 16-A (AN 80 FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 0 DEGREES 25 MINUTES 06 SECONDS, A CHORD BEARING AND DISTANCE OF SOUTH 45 DEGREES 38 MINUTES 52 SECONDS WEST, 8.39 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST, A DISTANCE OF 133.10 FEET; THENCE NORTH 07 DEGREES 57 MINUTES 20 SECONDS WEST, A DISTANCE OF 125.67 FEET TO THE POINT OF BEGINNING.

PARCEL ID NUMBER: 073520-0030

LOCATION ADDRESS: 3762 OLD LEWIS SPEEDWAY, ST. AUGUSTINE, FLORIDA 32084

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____

Notary Public, State of Florida

(S E A L)

Public Records of St. Johns County, FL
Clerk number: 2018053312
BK: 4585 PG: 1233
7/25/2018 11:06 AM
Recording $61.00
Doc M: $20.30
Int. Tax $11.57

UNIT CONNECTION FEE MORTGAGE

THIS MORTGAGE, by and between **Craig Rowe** whose address is 3672 Old Lewis Speedway St. Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $63.65 for 120 months, with the first payment due July 15, 2018

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 12th day of June, 2018.

Signed, sealed and delivered in the presence of:

Witness
Printed Name: Manoch J. Morrison

Witness
Printed Name: ELSE J. HUNTER

BY:

(Printed Name) Craig Rowe
(Address) 3672 Old Lewis Speedway.
(Telephone) 904-415-4687

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Craig Rowe,** who is personally known to me or who has produced FL Driver's License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 12th day of June, 2018.

Notary Public, State of Florida

MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

Exhibit "A"

LEGAL DESCRIPTION

LOTS 3, 4 AND A PORTION OF LOT 5, BLOCK 7 OF NAVARA PARK SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 143 OF THE PUBLIC OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT A COQUINA MONUMENT MARKING THE SOUTHWEST CORNER OF SAID BLOCK 7; THENCE NORTH 00 DEGREES 13 MINUTES 53 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID BLOCK 7, A DISTANCE OF 106.55 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD LEWIS SPEEDWAY ROAD, (A 66 FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED): THENCE NORTH 81 DEGREES 39 MINUTES 37 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 81 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 07 DEGREES 58 MINUTES 31 SECONDS EAST, DEPARTING FROM SAID RIGHT-OF-WAY LINE, A DISTANCE OF 138.81 FEET TO A CURVE ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 16-A (AN 80 FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 0 DEGREES 25 MINUTES 06 SECONDS, A CHORD BEARING AND DISTANCE OF SOUTH 45 DEGREES 38 MINUTES 52 SECONDS WEST, 8.39 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST, A DISTANCE OF 133.10 FEET; THENCE NORTH 07 DEGREES 57 MINUTES 20 SECONDS WEST, A DISTANCE OF 125.67 FEET TO THE POINT OF BEGINNING.

Parcel ID Number: 073520-0030

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **Craig Rowe**
ADDRESS: **3672 Old Lewis Speedway**
St. Augustine, FL 32084

$5783.00 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **3672 Old Lewis Speedway St. Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **5783.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **5.81 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **63.65 Dollars**, commencing on **July 15, 2017** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of June 12, 2018,** in the presence of:

Witness
Printed Name: Maxwell J Hunter

Witness
Printed Name: Elise J. Hunter

BY:

(Printed Name) Craig Rowe
(Address) 3672 Old Lewis Speedway
(Telephone) 904-415-4687

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Craig Rowe,** who is personally known to me or who has produced FL Driver License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 12th day of June, 2018.

Notary Public, State of Florida

NOTARY PUBLIC STATE OF FLORIDA
MAXWELL J. MOULTON
MY COMMISSION # GG46622
EXPIRES: November 13, 2020

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

P R O C L A M A T I O N

WHEREAS, *Pedro Menéndez de Avilés y Alonso de la Campa was born in Aviles, Spain, in 1519, grew up in a foster home after his father died an early death, and at a young age became the commander of a small fleet of ships fighting against French Corsairs and pirates on the Mediterranean Sea; and*

WHEREAS, *Menéndez rose from less than noble origins and, through his mastery of sailing, attracted the attention of King Philip II, who promoted him to command the Spanish fleet. When King Philip decided to strengthen Spain's colonial presence in Florida and the Caribbean, he called upon Menéndez; and*

WHEREAS, *under contract with the crown of Spain, Menéndez set out to establish Spanish rule in the land of la Florida. He set sail from Cadiz, Spain, on June 29, 1565, with eleven vessels and over 1,500 men; and*

WHEREAS, *on September 8, 1565, Pedro Menéndez de Avilés landed on the shore of the Matanzas Bay and began the founding of St. Augustine. This landing took place at what is now Mission of Nombre de Dios, and also the site of where the first Catholic mass occurred in the new world; and*

WHEREAS, *this statue of Pedro Menéndez de Avilés stands prominently atop its high pedestal in front of the historic Alcazar Hotel, which now the home of the municipal offices of the City of St. Augustine and the Lightner Museum. A gift of the people of Avilés, the statue was placed here in 1972. It is an exact replica of the statue that stands near the tomb of Menéndez in his ancestral home of Avilés.*

NOW, THEREFORE, BE IT PROCLAIMED *by City of St. Augustine, does hereby recognize and celebrates the* ***502nd birthday of our founder, Don Pedro Menéndez de Avilés****.*

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 12th day of February in the year of our Lord two thousand and twenty-one and the four hundred and fifty-fifth year of the founding of St. Augustine, the Nation's Oldest City.*

_____

Tracy Upchurch, Mayor

2021-02

CITY OF ST. AUGUSTINE

M E M OR A N D U M

TO: John Regan
City Manager

DATE: February 10, 2021

RE: Monthly Financial Report – January 2021

Attached are unaudited financial summaries by fund for Commission review for the period ending January 31, 2021. The statements are in the form of an income statement and include current year budget and current year-to-date actuals, with previous year-to-date actuals for comparison purposes.

The summaries reflect activity through four months of the fiscal year which is 33%. Comparing this percentage with the actual percentage spent/earned is a useful way to gauge our performance although some of our activity is seasonal.

If you have any questions about the attached statements or any other financial matter, please do not hesitate to contact me.

Mark E. Simpson, CPA
Director, Financial Services

cc: D. Galambos, City Clerk
M. Breidenstein, Assistant City Manager

General Fund

Current Year and Prior Year to Date for Period Ending

January 31, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
Operating Revenue						
Ad Valorem Taxes	10,645,275	14,289,378	**74%**	10,225,762	12,552,832	**81%**
Local Option Gas Tax	163,291	422,380	**39%**	85,836	513,628	**17%**
Insurance Premiums	-	436,905	**0%**	-	423,187	**0%**
Utility Taxes	632,323	2,251,000	**28%**	625,729	2,410,001	**26%**
Grants	34,560	142,350	**24%**	49,250	135,500	**36%**
Intergovernmental	542,452	1,679,800	**32%**	502,441	2,026,642	**25%**
Franchise Fees	453,842	1,580,998	**29%**	712,033	1,784,728	**40%**
Licenses, Permits & Other Fees	2,475,986	5,030,253	**49%**	2,534,635	5,440,118	**47%**
Fines and Forfeitures	315,304	400,500	**79%**	99,955	343,000	**29%**
Administrative Overhead	1,324,383	3,973,148	**33%**	1,305,363	3,916,089	**33%**
Investment Income	20,186	120,750	**17%**	86,150	313,000	**28%**
Miscellaneous	736,245	1,876,344	**39%**	735,990	1,727,510	**43%**
Total Operating Revenue	**17,343,848**	**32,203,806**		**16,963,145**	**31,586,235**	
Operating Expenses						
General Government	2,360,784	7,945,907	**30%**	2,648,887	8,047,068	**33%**
Public Safety	3,469,721	12,581,606	**28%**	3,423,142	11,920,160	**29%**
Physical Environment	961,889	3,634,590	**26%**	1,018,975	3,741,058	**27%**
Transportation	1,001,666	4,377,380	**23%**	1,125,161	4,418,552	**25%**
Culture and Recreation	444,990	1,790,386	**25%**	526,280	1,773,018	**30%**
Capital Outlays						
Buildings	-	630,000	**0%**	-	350,000	**0%**
Infrastructure Improvements	(30,830)	550,750	**-6%**	83,595	1,693,002	**5%**
Machinery & Equipment	234,983	1,088,163	**22%**	1,144,048	1,104,697	**104%**
Total Operating Expenses	**8,443,203**	**32,598,781**		**9,970,087**	**33,047,556**	
Transfers In/ (Out)						
Transfers In	838,196	4,631,346	**18%**	1,039,518	5,289,156	**20%**
Transfers Out	(270,448)	(4,236,371)	**6%**	(590,346)	(3,827,835)	**15%**
Total Transfers In/ (Out)	**567,748**	**394,975**		**449,172**	**1,461,321**	
	$ 9,468,392	**$ 0.00**		**$ 7,442,229**	**$ 0.00**	

Utility Fund

Current Year and Prior Year to Date for Period Ending

January 31, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
Operating Revenue						
Water User Fees	2,994,140	9,000,000	**33%**	3,201,521	8,477,742	**38%**
Sewer User Fees	2,926,839	8,400,000	**35%**	2,912,701	7,963,000	**37%**
Construction & Connection Fees	500,643	1,960,000	**26%**	800,097	1,800,000	**44%**
Other	12,543	456,157	**3%**	162,457	516,100	**31%**
Total Operating Revenue	**6,434,165**	**19,816,157**		**7,076,776**	**18,756,842**	
Operating Expenses						
Personal Services	1,490,365	5,012,047	**30%**	1,477,115	4,794,154	**31%**
Operating Expenses	898,315	3,624,848	**25%**	957,203	3,936,570	**24%**
Administrative Overhead	855,135	2,565,406	**33%**	818,374	2,455,123	**33%**
Capital Outlays						
Infrastructure Improvements	311,840	849,707	**37%**	694,553	228,000	**305%**
Buildings	-	-	**NA**	-	-	**NA**
Machinery & Equipment	43,490	642,385	**7%**	259,351	546,473	**47%**
Total Operating Expenses	**3,599,145**	**12,694,393**		**4,206,596**	**11,960,320**	
Non-Operating Revenue/ (Expenses)						
Interest Income	16,088	156,500	**10%**	89,198	255,000	**35%**
Fiscal Charges	(275,802)	(3,556,200)	**8%**	(274,502)	(3,326,145)	**8%**
Grants	-	-	**NA**	6,614	-	**NA**
Disposition of Assets	520	-	**NA**	-	-	**NA**
Non-Operating Revenue/(Expense	**(259,194)**	**(3,399,700)**		**(178,690)**	**(3,071,145)**	
Transfers In/ (Out)						
Transfers In	162,374	1,354,626	**12%**	173,492	2,205,679	**8%**
Transfers Out	(1,692,230)	(5,076,690)	**33%**	(1,603,491)	(4,810,474)	**33%**
Total Transfers In/ (Out)	**(1,529,856)**	**(3,722,064)**		**(1,429,999)**	**(2,604,795)**	
	$ 1,045,970	**$ -**		**$ 1,261,492**	**$ 1,120,582.00**	

Stormwater Fund

Current Year and Prior Year to Date for Period Ending

January 31, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
Operating Revenue						
User Fees	356,588	1,097,586	**32%**	308,373	1,004,200	**31%**
Total Operating Revenue	**356,588**	**1,097,586**	**32%**	**308,373**	**1,004,200**	**31%**
Operating Expenses						
Personal Services	98,388	358,311	**27%**	119,840	345,649	**35%**
Operating Expenses	20,815	99,470	**21%**	65,723	168,053	**39%**
Administrative Overhead	125,952	377,856	**33%**	120,194	360,581	**33%**
Capital Outlays						
Machinery & Equipment	-	-	**NA**	-	376,000	**0%**
Infrastructure Improvements	12,683	572,588	**2%**	432,039	60,000	**720%**
Total Operating Expenses	**257,839**	**1,408,225**		**737,796**	**1,310,283**	
Non-Operating Revenue/ (Expenses)						
Interest Income	256	1,200	**21%**	5,618	36,529	**15%**
Fiscal Charges	-	-	**NA**	-	-	**NA**
Non-Operating Revenue/(Expenses)	**256**	**1,200**	**21%**	**5,618**	**36,529**	**15%**
Transfers In/ (Out)						
Transfers In	216,444	649,331	**33%**	450,527	1,351,581	**33%**
Transfers Out	(113,297)	(339,892)	**33%**	(298,190)	(894,571)	**33%**
Total Transfers In/ (Out)	**103,146**	**309,439**		**152,337**	**457,010**	
	$ 202,152	**$ -**		**$ (271,469)**	**$ 187,455.62**	

Solid Waste Fund

Current Year and Prior Year to Date for Period Ending

January 31, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
Operating Revenue						
User Fees	1,313,504	3,870,386	**34%**	1,310,334	3,846,000	**34%**
Franchise Fees	40,255	32,000	**126%**	10,746	48,000	**22%**
Other	-	3,000	**0%**	6,287	10,000	**63%**
Total Operating Revenue	**1,353,759**	**3,905,386**		**1,327,367**	**3,904,000**	
Operating Expenses						
Personal Services	409,076	1,364,507	**30%**	440,918	1,422,125	**31%**
Operating Expenses	572,159	1,990,340	**29%**	609,742	1,763,561	**35%**
Administrative Overhead	153,962	461,887	**33%**	181,221	543,664	**33%**
Capital Outlays						
Machinery & Equipment	-	-	**NA**	529,603	538,000	**98%**
Total Operating Expenses	**1,135,196**	**3,816,734**		**1,761,485**	**4,267,350**	
Non-Operating Revenue/ (Expenses)						
Interest Income	640	6,000	**11%**	3,943	7,500	**53%**
Disposition of Assets	1,436	-	**NA**	959	-	**NA**
Non-Operating Revenue/(Expenses)	**2,075**	**6,000**		**4,902**	**7,500**	
Transfers In/ (Out)						
Transfers In	96,560	289,680	**33%**	286,762	860,285	**33%**
Transfers Out	(128,111)	(384,332)	**33%**	(168,145)	(504,435)	**33%**
Total Transfers In/ (Out)	**(31,551)**	**(94,652)**		**118,617**	**355,850**	
	$ 189,088	**$ (0.00)**		**$ (310,598)**	**$ -**	

Municipal Marina Fund

Current Year and Prior Year to Date for Period Ending

January 31, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
Operating Revenue						
User Fees	1,196,700	2,802,400	**43%**	1,234,224	3,314,200	**37%**
Rental Income	16,412	42,158	**39%**	14,197	41,880	**34%**
Other	10,280	33,000	**31%**	8,331	32,900	**25%**
Total Operating Revenue	**1,223,392**	**2,877,558**		**1,256,752**	**3,388,980**	
Operating Expenses						
Personal Services	230,512	792,012	**29%**	237,586	754,861	**31%**
Operating Expenses	547,756	1,270,883	**43%**	608,265	1,869,957	**33%**
Administrative Overhead	150,678	452,034	**33%**	146,110	438,329	**33%**
Capital Outlays						
Machinery & Equipment	-	50,000	**0%**	50,976	50,976	**100%**
Infrastructure Improvements	13	-	**NA**	-	-	**NA**
Total Operating Expenses	**928,960**	**2,564,928**		**1,042,937**	**3,114,123**	
Non-Operating Revenue/ (Expenses)						
Interest Income	1,300	20,000	**NA**	14,569	-	**NA**
Grant Income	-	-	**NA**	-	7,000	**0%**
Fiscal Charges	-	-	**NA**	-	(242,614)	**0%**
Non-Operating Revenue/(Expenses)	**1,300**	**20,000**		**14,569**	**(235,614)**	
Transfers In/ (Out)						
Transfers In	16,207	48,622	**33%**	44,639	133,918	**33%**
Transfers Out	(127,084)	(381,252)	**33%**	(57,720)	(173,161)	**33%**
Total Transfers In/ (Out)	**(110,877)**	**(332,630)**		**(13,081)**	**(39,243)**	
	$ 184,856	**$ -**		**$ 215,303**	**$ -**	

Visitor Information Center Fund

Current Year and Prior Year to Date for Period Ending

January 31, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
Operating Revenue						
Parking Revenue	1,543,423	3,328,350	**46%**	1,497,784	3,469,000	**43%**
Gift Shop Revenue	134,231	600,000	**22%**	193,319	600,000	**32%**
Other	9,830	70,000	**14%**	896	73,000	**1%**
Total Operating Revenue	**1,687,484**	**3,998,350**		**1,691,998**	**4,142,000**	
Operating Expenses						
Personal Services	289,549	1,103,908	**26%**	383,698	1,057,545	**36%**
Operating Expenses	381,860	1,379,734	**28%**	248,346	1,247,655	**20%**
Administrative Overhead	712,421	2,137,264	**33%**	706,779	2,120,336	**33%**
Capital Outlays						
Buildings	-	-	**NA**	-	-	**NA**
Machinery & Equipment	-	-	**NA**	95,661	-	**NA**
Total Operating Expenses	**1,383,831**	**4,620,906**		**1,434,484**	**4,425,536**	
Non-Operating Revenue/ (Expenses)						
Interest Income	1,919	26,250	**7%**	13,356	70,000	**19%**
Other Income	70,387	147,000	**48%**	93,756	190,000	**49%**
Fiscal Charges	-	(1,727,145)	**0%**	(770)	(1,726,626)	**0%**
Non-Operating Revenue/(Expenses)	**72,306**	**(1,553,895)**		**106,342**	**(1,466,626)**	
Transfers In/ (Out)						
Transfers In	566,657	1,699,972	**33%**	430,060	1,290,181	**33%**
Transfers Out	158,826	476,479	**33%**	153,327	459,981	**33%**
Total Transfers In/ (Out)	**725,484**	**2,176,451**		**583,387**	**1,750,162**	
	$ 1,101,443	**$ -**		**$ 947,244**	**$ -**	

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 1, 2021

RE: **MASCI v. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 01-2021-02-2026 dated January 31, 2021 from Cavendish Partners, P.A. for legal services rendered in January 2021 regarding the MASCI General Contractor, Inc. v. City of St. Augustine matter.

The amount currently due is **$3,127.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the February 22, 2021 City Commission meeting.

WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S FEES AND COSTS ON THIS MATTER EQUALS $5,428.00.

Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Denise C. May, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH PARTNERS P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 01/31/2021
Invoice #: 01-2021-02-2026
Matter: Masci
File #: 2026

INVOICE TOTAL AND BALANCE DUE $3,127.00

Bill To:
Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210
St Augustine, FL 32085
Due Date: 03/03/2021
Please Remit Payment To:
Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

PAYMENTS RECEIVED AFTER 02/01/2021 ARE NOT REFLECTED IN THIS BALANCE DUE INVOICE

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 1, 2021

RE: **MARLOWE V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 01-2021-12-1743 dated January 31, 2021 from Cavendish Partners, P.A. for legal services rendered in January 2021 regarding the Marlowe v. City of St. Augustine matter.

The amount currently due is **$928.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the February 22,2021 City Commission meeting.

WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S FEES AND COSTS ON THIS MATTER EQUALS $65,497.40.

Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Denise C. May, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH
PARTNERS
P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 01/31/2021
Invoice #: 01-2021-12-1743
Matter: Marlowe
File #: 1743

INVOICE TOTAL AND BALANCE DUE $928.00

Bill To:
Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210
St Augustine, FL 32085
Due Date: 03/03/2021
Please Remit Payment To:
Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

PAYMENTS RECEIVED AFTER 02/01/2021 ARE NOT REFLECTED IN THIS BALANCE DUE INVOICE