**RESOLUTION 2017-\_\_\_\_**

**SEVENTH DAY ADVENTIST CHURCH**

**PARKING AGREEMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A PARKING agreement with CROSS ACCESS AND PARKING EASEMENT WITH SEVENTH DAY ADVENTIST church; AUTHORIZING THE CITY MANAGER, DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS; providing for PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City is the owner of certain real property, Parcel ID Number 07-11-31-7035-RPL03-0000 (the City’s property), located behind and adjacent to the Seventh Day Adventist Church (the Church) property; and

**WHEREAS**, the Church requires additional parking to serve its needs, and has requested that the City allow them to construct an additional parking area on the City’s property referred to above; and

**WHEREAS**, at some indeterminate point in the future, the City intends to develop a City park/recreational facility in that area; and

**WHEREAS,** the City has agreed to grant the Church a permanent non-exclusive cross access and parking easement on the City’s property in exchange for the Church constructing a parking lot and other amenities on the City’s property;

**WHEREAS,** the City finds a shared parking lot would be advantageous to the City to provide parking for the future park site.

**NOW, THEREFORE, IT IS HEREBY RESOLVED by the City of Palm Coast, Flagler County, Florida:**

**SECTION 1. APPROVAL OF AGREEMENT.**  The City Council of the City of Palm Coast hereby approves the Parking Agreement with the Seventh Day Adventist Church, as attached hereto and incorporated herein by reference as Exhibit “A.”

**SECTION 2. GRANTING OF EASEMENTS.** The City Council of the City of Palm Coast hereby grants a Temporary Construction Easement and a Non-Exclusive Cross Access and Parking Easement to the Seventh Day Adventist Church as depicted in Exhibit “A.”

**SECTION 3. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the documents referred to herein.

**SECTION 4. RECORDING OF EASEMENT.** Upon execution of the easements, the Seventh Day Adventist Church will record them with the Flagler County Clerk’s Office.

**SECTION 5. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

**SECTION 6. Conflicts.** All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

**Section 7. IMPLEMENTING ACTIONS.** The City Manager, or designee, is hereby authorized to take any actions necessary to implement the actions taken in this Resolution.

**SECTION 8.** **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

 **DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 20th day of June 2017.

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|  | **CITY OF PALM COAST, FLORIDA** |
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| *ATTEST:* | Milissa Holland, Mayor |
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| Virginia A. Smith, City Clerk |  |

Attachment: Exhibit A – Parking Agreement with the Seventh Day Adventist Church

Approved as to form and legality

William E. Reischmann, Jr., Esq.

City Attorney