

# SUMTER COUNTY BOARD OF COMMISSIONERS

## EXECUTIVE SUMMARY

**SUBJECT:** Non-Profit Impact Fee Agreement for Oxford Assembly of God Church, Inc. (Staff recommends approval).

**REQUESTED ACTION:** Approve & Execute Non-Profit Agreement

Work Session (Report Only)    **DATE OF MEETING:** October 23, 2012  
 Regular Meeting                       Special Meeting

**CONTRACT:**  N/A    Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_    Termination Date: \_\_\_\_\_  
Managing Division / Dept: Planning

**BUDGET IMPACT:** \$7,705 for Road Impact Fees  
 Annual                      **FUNDING SOURCE:** General Fund  
 Capital                      **EXPENDITURE ACCOUNT:** TBD  
 N/A

### HISTORY/FACTS/ISSUES:

On October 13, 2009, the Board approved Ordinance 2009-24 to exempt qualified non-profit organizations from the County's road impact fees and for those impact fees to be reimbursed from the County's General Fund.

Oxford Assembly of God Church, Inc. ("Church") is a religious non-profit organization located on N Highway 301. The Church submitted a building permit to the Sumter County Building Department to construct a 25,045 square foot sanctuary. The Sumter Road Impact Fees due for this expansion are \$38,594.35. However, the Ordinance allow for an exemption up to 5,000 sf, which is \$7,705.00 in Road Impact Fees. After the exemption the Church will owe \$30,889.35 in Road Impact Fees. See table below.

	Road Impact Fees
Total Impact Fees Due (prior to Agreement)	\$38,594.35
<b>Total Impact Fees Due (After Agreement)</b>	<b>\$30,889.35</b>

The Church has supplied documentation verifying their non-profit status with the State of Florida and with the Federal Internal Revenue Service. In addition, the Church owns the property on which the addition will be constructed and intends to occupy and utilize the facility for at least three (3) years. Staff finds the exemption of the Sumter Road Impact Fees meet the requirements of Ordinance 2009-24 and requests the Board execute the "Non-Profit Organization Impact Fee Agreement with Oxford Assembly of God Church, Inc."

Attached for the Board's information are: Non-Profit Organization Impact Fee Agreement with Oxford Assembly of God Church, Inc. and documentation of non-profit status.

**NON-PROFIT ORGANIZATION IMPACT FEE AGREEMENT**  
**With Oxford Assembly of God Church, Inc.**

**THIS NON-PROFIT IMPACT FEE AGREEMENT** (“Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (“Effective Date”), by and between **Oxford Assembly of God Church, Inc., whose address is PO Box 9, Oxford, Florida 34484** (hereinafter called “Developer”), and **SUMTER COUNTY**, a political subdivision of the State of Florida, whose address is 7375 Powell Road, Wildwood, Florida 34785 (hereinafter called “County”).

**RECITALS**

**WHEREAS**, on October 13, 2009, the County adopted Ordinance 2009-24 to exempt qualified non-profit organizations from the road impact fees and for those impact fee funds to be reimbursed from the County’s General Fund, and;

**WHEREAS**, the Developer applied for a building permit to construct a 25,045 square foot addition (administrative offices, classrooms, and sanctuary) (hereinafter called “Project”), and;

**WHEREAS**, the road impact fee for the Project is \$38,594.35 and;

**WHEREAS**, the Developer is a qualified non-profit organization that meets the definition of a private foundation or public charity under Section 26 U.S.C. 509 of the Internal Revenue Code of the United States and has filed the appropriate forms for tax exemption with the Internal Revenue Service and subsequently received written notice of approval of nonprofit status under Section 26 U.S.C. 5019(c)(3) of the Internal Revenue Code of the United States and has provided the County with sufficient written proof of active, current nonprofit corporation status with the Florida Secretary of State and proper nonprofit status acquisition with the Internal Revenue Service;

**WHEREAS**, the Developer owns the land upon which the Project will be constructed;

**WHEREAS**, the Project is 25,045 gross square feet;

**NOW THEREFORE**, accepting the above recitals as true and incorporating them as if stated herein, and in consideration of the mutual covenants herein contained and other good and valuable consideration, the parties agree as follows:

**Section 1. Exemption and Reimbursement of Impact Fees**

1. The Developer is exempt from the payment of \$7,705 in road impact fees;
2. Consistent with the applicable ordinance fee schedules, the County shall transfer \$7,705 from the General Fund to the Road Impact Fee Fund;

## **Section 2. Limitation of Impact Fee Exemptions**

1. The Developer shall only utilize the Project for its own operations and may not lease or sell the Project or property for a period of three (3) years from the effective date of this agreement;
2. If any condition precedent to County payment stated herein is violated, through intentional acts or negligence by the Developer, the Developer shall reimburse the County's General Fund for the entire amount of the impact fees paid by the County.

## **Section 3. General Provisions**

1. The effective date of this Agreement is the date upon which the Agreement is executed by the County;
2. Any notice or demand that must or may be given or made in connection with this Agreement must be in writing and will be delivered by personal delivery, or when mailed by certified or registered mail, return receipt requested, addressed to the parties as follows:

**DEVELOPER:**

Oxford Assembly of God Church, Inc.  
PO Box 9  
Oxford, FL 34484

**COUNTY:**

Sumter County  
Attn: County Administrator  
7375 Powell Road  
Wildwood, FL 34785

3. The parties agree that venue and jurisdiction for any disputes arising out of this entire Agreement shall only be in a court of competent jurisdiction in Sumter County, Florida.
4. If any provision of this agreement shall be found inconsistent with state, local or federal law, that provision shall be considered severed and the remain provisions shall remain binding upon the parties.

**IN WITNESS WHEREOF**, the parties have duly executed this Agreement on the day and year above first written;

**BOARD OF COUNTY COMMISSIONERS  
SUMTER COUNTY, FLORIDA**

**ATTEST:**

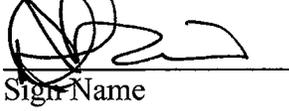
\_\_\_\_\_  
**Garry Breedon, Chairperson**

\_\_\_\_\_  
Gloria Hayward, Clerk of Court

Approved as to Form  
and Legal Sufficiency

\_\_\_\_\_  
Sumter County Attorney

**ATTEST:**

  
\_\_\_\_\_  
Sign Name

**F. David Jenkins**  
\_\_\_\_\_  
Print Name

**Oxford Assembly of God  
Church, Inc.**

  
\_\_\_\_\_  
Sign Name

**Derrel Strickland**  
\_\_\_\_\_  
Print Name

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<b>No Events</b>	<b>No Name History</b>	<input type="button" value="Submit"/>			
<b>Detail by Entity Name</b>					
<b><u>Florida Non Profit Corporation</u></b>					
OXFORD ASSEMBLY OF GOD CHURCH, INC.					
<b><u>Filing Information</u></b>					
<b>Document Number</b>	735526				
<b>FE/EIN Number</b>	592246716				
<b>Date Filed</b>	04/08/1976				
<b>State</b>	FL				
<b>Status</b>	ACTIVE				
<b><u>Principal Address</u></b>					
12114 N. HIGHWAY 301 OXFORD FL 34484					
Changed 04/16/2007					
<b><u>Mailing Address</u></b>					
P.O.BOX 9 OXFORD FL 34484					
Changed 04/13/2005					
<b><u>Registered Agent Name &amp; Address</u></b>					
STRICKLAND, DERREL 12114 N US 301 OXFORD FL 34484 US					
Name Changed: 05/06/1985					
Address Changed: 04/16/2007					
<b><u>Officer/Director Detail</u></b>					
<b><u>Name &amp; Address</u></b>					
Title D					
FONTANEZ, FELIX 9181 SE CTY HWY C-42 SUMMERFIELD FL 34491					
Title D					
JONES, STEVE 858 NE 120TH AVE OXFORD FL 34484					
Title D					
BAILEY, RAY 17225 SE 115TH TERR RD					

SUMMERFIELD FL 34491

Title D

DAVIS, TED  
9844 NE 17TH PATH  
WILDWOOD FL 34785

Title D

VANLUVEN, GARY  
617 ESPANA ST  
THE VILLAGES FL 32159

Title ST

JONES, LAURA  
858 NE 120TH AVE  
OXFORD FL 34484**Annual Reports****Report Year Filed Date**

2010	06/17/2010
2011	05/17/2011
2012	04/10/2012

**Document Images**

<a href="#">04/10/2012 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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**Note:** This is not official record. See documents if question or conflict.

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