

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

CHURCH OF OUR SAVIOR, formerly
known as Resurrection Anglican
Church, Inc., a Florida Nonprofit
Corporation,

Plaintiff,

v.

Case No. 3:13-cv-1346-J-32JBT

THE CITY OF JACKSONVILLE
BEACH, a Florida Municipal
Corporation,

Defendant.

FINAL JUDGMENT

This case is before the Court following non-jury trial and entry of the Court's Findings of Fact and Conclusions of Law on November 25, 2014 (Doc. 116), the February 17, 2015 Order directing, among other things, that Defendant City of Jacksonville Beach grant Plaintiff Church of Our Savior's application for a conditional use permit (Doc. 145), and the May 19, 2015 Order on the City's motions for reconsideration, the Church's objections to the conditions on the permit, and the Church's request for attorneys' fees and costs (Doc. 188). Based on the above rulings, which are incorporated herein, it is hereby

ORDERED AND ADJUDGED:

Final Judgment is hereby entered in favor of Defendant City of Jacksonville Beach and against Plaintiff Church of Our Savior on Counts I, II, and V of the First

Amended Complaint (Doc. 32).

Final Judgment is hereby entered in favor of Plaintiff Church of Our Savior and against Defendant City of Jacksonville Beach on Count III of the First Amended Complaint. Defendant City of Jacksonville Beach is **ENJOINED** to approve conditional use application PC#9-13 with the following conditions only:

1. The applicant shall develop the subject property in conformance with applicable Land Development Code standards, including but not limited to Residential, single-family: RS-1 zoning district regulations. No City-owned property may be used by the applicant to meet such standards.
2. The applicant shall provide a seven-foot wide buffer between the subject property and any adjacent residential uses, in conformance with LDC Sec 34-425(b)(2) standards, and including a continuous six-foot high opaque screen or barrier.
3. The applicant shall pay to have installed, a six-foot high opaque fence with 24-foot wide vehicular access gate across the City-owned property known as 11 Hopson Road, between the easterly corner of the property known as #9 Hopson Road and the northerly corner of the property known as #13 Hopson Road. This access to the City's property shall be for exclusive use by City employees.
4. The City shall prepare a pedestrian-only access easement agreement to the benefit of church staff and congregants across the portion of the City-owned property at #11 Hopson Road lying adjacent to and between the applicant's two parcels. Such agreement shall include a liability insurance policy with coverage of \$1,000,000.00 per incident, and shall list the City as an additional insured. The Church shall maintain these policies for so long as it continues to use the City-owned property at #11 Hopson Road for access to the southern parcel. The Church shall submit proof of coverage to the City on an annual basis. The agreement shall otherwise provide that the Church shall indemnify, defend, and hold harmless the City, as to any and all claims for damages which are caused by or suffered by Church staff, congregants, guests, or members while upon the City-owned property at #11 Hopson Road, including but not limited to bodily injury and damage to City property and improvements.

5. The applicant shall secure Development Plan approval for the development of its proposed facility within twelve months of the mandate from the Eleventh Circuit or other final resolution of the federal case, Church of Our Savior v. The City of Jacksonville Beach, Case No. 3:13-cv-1346-J-32JBT (M.D. Fla.), or the conditional use approval shall be rendered null and void.
6. The applicant shall be responsible for payment of applicable water and sewer tap fees, storm water and mobility fees, any related work required to extend existing public utilities to the subject property, and any other development and permit fees associated with its proposed development. However, pursuant to Section 7-21 of the Code of Ordinances, no fees shall be charged to the applicant for permits and inspections for the construction of the applicant's religious facilities, provided the applicant files the required documentation described in Section 7-21 whenever such permit application is filed with the City.

Final Judgment is also entered in favor of Plaintiff Church of Our Savior and against Defendant City of Jacksonville Beach for attorneys' fees and costs in the amount of **\$305,147.76**, plus post-judgment interest accruing at the legal rate established by 28 U.S.C. § 1961, for which let execution issue.

DONE AND ORDERED at Jacksonville, Florida this 19th day of May, 2015.


TIMOTHY J. CORRIGAN
United States District Judge

bjb

Copies to:

Counsel of record