REGULAR CITY COUNCIL MEETING
6:30 PM – COUNCIL CHAMBERS – CITY HALL
JANUARY 8, 2019

AGENDA

ALL CITIZENS DESIRING TO ADDRESS THE PORT ORANGE CITY COUNCIL DURING CITIZEN PARTICIPATION SHOULD COMPLETE A SPECIAL APPLICATION FORM WHICH IS LOCATED ON THE STANDS OUTSIDE THE COUNCIL CHAMBERS. AFTER COMPLETING THE FORM, PRESENT IT TO THE CITY CLERK.

A. OPENING

1. Invocation - Pastor Austin Trammell of Salty Church
2. Pledge of Allegiance
3. Roll Call
4. Presentation of Proclamations to the 2018 City Retirees
5. Rules of Procedure ("Local Rules")

B. CONSENT AGENDA

6. Public Comments on Consent Agenda Items Only
7. Agenda Approval
8. Approval of Minutes
   a. December 18, 2018 - Regular City Council Meeting
9. Resolution No. 19-1 - Amending Resolution 18-19 ECHO Grant Application- Recreational, Educational, and Cultural (REC) Center
10. Resolution No. 19-2 - Parks and Recreation Fee Adjustments
11. Approval of Donation/Exchange Agreement - Port Orange Woodcarver's Club
12. City cost participation request from Edengate Development, LLC for upgrades to Lift Station No. 12 for the purpose of converting the system to a submersible station.
13. Approval of Lease with U.S. Representative Michael Waltz
14. Approval of Misc. Accounts Receivable Write-Offs

C. CITIZEN PARTICIPATION (Agenda)
15. Request by Tarik Dalaq from Door Master DBA Overhead Doors of America to waive or reduce a $500 work without permit fee.

D. CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

E. COUNCIL COMMENTS

16. Comments/Concerns from Council Members
   a. Short Term Rental Resolution Discussion

F. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

17. Dr. Ed Prevatte - Halifax Health

G. PUBLIC HEARING

18. Second Reading - Ordinance No. 2018-35 - Annexation/All Aboard Storage - Taylor Road
20. First Reading – Ordinance 2019-1 - LDC Text Amendment/ Chapter 15 - Residential Subdivision Signage (Case No. 18-25000008)
21. First Reading - Ordinance 2019-2 - LDC Amendment/Chapter 13 - Landscaping Requirements for Residential Lots (Case No. 18-25000009)

H. REGULAR AGENDA

22. First Reading - Ordinance No. 2019-3 - Amending Section 2-275 of the Code of Ordinances relating to Local Preference
23. First Reading - Ordinance No. 2019-4 - Amending the Code of Ordinances relating to the Golf Course Advisory Board

I. COMMENTS

24. City Attorney Comments
25. City Manager Comments

J. COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports
   a. River to Sea TPO
   b. General Employees' Pension Plan

K. ADJOURNMENT
ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

ANY INVOCATION THAT IS OFFERED BEFORE THE OFFICIAL START OF THE CITY COUNCIL MEETING SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE PERSON, TO AND FOR THE BENEFIT OF THE CITY COUNCIL. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE CITY COUNCIL OR THE CITY STAFF, AND THE CITY IS NOT ALLOWED BY LAW TO ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER. PERSONS IN ATTENDANCE AT THE CITY COUNCIL MEETING ARE INVITED TO STAND DURING THE OPENING INVOCATION AND PLEDGE OF ALLEGIANCE. HOWEVER, SUCH INVITATION SHALL NOT BE CONSTRUED AS A DEMAND, ORDER, OR ANY OTHER TYPE OF COMMAND. NO PERSON IN ATTENDANCE AT THE MEETING SHALL BE REQUIRED TO PARTICIPATE IN ANY OPENING INVOCATION THAT IS OFFERED. A PERSON MAY EXIT THE CITY COUNCIL CHAMBERS AND RETURN UPON COMPLETION OF THE OPENING INVOCATION IF A PERSON DOES NOT WISH TO PARTICIPATE IN OR WITNESS THE OPENING INVOCATION.
SUBJECT: (A5) Rules of Procedure ("Local Rules")

DEPARTMENT: City Clerk

GOAL:

RECOMMENDED MOTION: Move to approve the Rules of Procedure.

SUMMARY: Attached is a proposal of changes to the Rules of Procedure adopted by Council each year. These recommended changes are mostly clean-up type items, but also include a change to the City Attorney and City Manager Comments item. The City Attorney and City Manager bring more than just comments to you from time to time. This item has been changed to Items from City Attorney and City Manager.

At the request of the Mayor, I have also increased the Public Participation-Non-Agenda time allotted from 15 minutes to 20 minutes.

Lastly, the deadline for the public to request inclusion on an agenda has been increased to match deadlines of Staff to enable the City Clerk to provide the agenda packet to Council and the public in a timely manner.

Council consideration is requested, as well as direction as to further changes that may be needed.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

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<td>REVISED Rules of Procedure 2019 marked up (MJJ &amp; RLF)</td>
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Robin Fenwick Created/Initiated - 12/13/2018
Matthew Jones Approved - 01/04/2019
Jake Johansson Approved - 01/04/2019
Robin Fenwick Final Approval - 01/04/2019
I. GENERAL PARLIAMENTARY RULES.

The general parliamentary procedure to be followed by the City Council of the City of Port Orange, Florida, except as otherwise modified by the City Council or as modified or amended herein, shall be in accordance with the most current edition of Robert’s Rules of Order, Newly Revised.

II. PRESIDING OFFICER AND DUTIES.

A. The Mayor, if present, shall preside at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside.

B. The meetings of the Council shall be called to order, recessed and adjourned by the presiding officer.

C. The presiding officer shall preserve order and enforce the rules of decorum and conduct set forth herein.

D. The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the Council. If any appeal is taken, the question shall be, “Shall the decision of the presiding officer be sustained?” A majority of the Council sitting and eligible to vote is required to reverse the ruling of the presiding officer.

E. The presiding officer may call another Councilmember to temporarily chair the meeting to make a motion, or to cover a temporary absence, such substitution is not to continue beyond adjournment.

III. LOCAL RULES.

A. The following Local Rules of Procedure (“Local Rules”), shall be applicable to the organization and conduct of business, as well as preparation and publication of agendas, of the City Council of the City of Port Orange, Florida. To the extent these Local Rules shall modify or conflict with the standard “Robert’s Rules of Order” as adopted above, these Local Rules shall prevail to the extent of their conflict or inconsistency with “Robert’s Rules of Order”. The approval of these Local Rules shall take place at the first meeting held in January of each year, or as soon as possible thereafter.

1. Regular meetings of the City Council shall typically be held on the first and third Tuesdays of each month, except for the months of July, November, and December—w

election dates, at 6:30 p.m., in City Hall. During the months of November and December, the regular City Council meetings may occur on the first and second Tuesdays at 6:30 p.m. at City Hall. These meeting dates and times are subject to change as determined necessary by the City Council or to comply with the City’s Charter. There shall be no regular City Council meeting on the date of a Port Orange municipal election. A meeting that would otherwise have been scheduled for such date shall be held on the Wednesday immediately following the election at 6:30 p.m. at City Hall. [The July meeting schedule may be amended at the direction of the City Council in consideration of the Fourth of July Holiday.]

1. Workshop meetings of the City Council shall be held as needed on the fourth Tuesday of each month at 6:30 p.m., such time and place as set by Council or the City Manager, as needed. Every effort will be made to avoid the scheduling of workshops in the months of November and December. Workshops may also be scheduled at other times as determined necessary by the City Council.

2. All regular City Council meetings shall be held in the City Council Chambers at City Hall, unless otherwise designated by the City Council. All City Council workshops will typically be held in the Second Floor Conference Room, Lakeside Activity Center, the Adult Activity Center, or the Council Chambers at City Hall, as determined by the City Manager. All meetings of the City Council shall end by 11:00 p.m. unless extended beyond 11:00 p.m. by a motion of the City Council. Thereafter, the meeting shall end upon the conclusion of each hour (12:00, 1:00, etc.), unless extended by a motion of the City Council for each hour. Any unfinished business shall be considered at a time and place set by the City Council.

3. There may also be special meetings or workshop meetings at such other times designated in advance by the City Council for the purposes of holding joint meetings with City boards, commissions, etc., to include receiving annual reports and presentations from the City’s boards, committees, agencies and authorities, or for such other purposes as may be deemed necessary or desirable by the City Council.

4. Special meetings shall be called at the request of the Mayor or any two Councilmembers in accordance with the provisions of the City Charter and the Code of Ordinances.

5. Ex Parte Communication and Quasi-Judicial Proceedings shall be governed by City Council Resolution No. 00-65. At a minimum, all parties to a Quasi-Judicial Proceeding shall be entitled to the following:

   a. An opportunity to call and examine witnesses, who shall be sworn;

   b. An opportunity to introduce evidence;

   c. An opportunity to cross examine witnesses; and

   d. An opportunity to rebut evidence.
7. To the extent compatible with the conduct of business, all workshop meetings shall be held on an informal basis. The applicability of the City’s general rules shall not be strictly applied. Presentations made at workshop meetings shall be limited to twenty (20) minutes, unless the Council, by consensus, agrees to extend the time.

8. The City Manager shall be responsible for organization and placement of items on the City Council Agenda; however, the Agenda and Agenda packets shall be prepared by the City Clerk. If the Council or any of its members wish to place an item on an agenda, any such request or inquiry shall be directed to the City Manager’s office for disposition as opposed to any Councilmember contacting any City officer or employee who is subject to the direction and supervision of the City Manager.

9. With regard to the agenda for regular City Council meetings, the following shall apply:

   a) To the extent possible, the City Administration shall group all matters by subject area, and shall place as many items as possible on the consent portion of the agenda. Those items of a controversial nature or those that need explanation will not be placed on the Consent Agenda.

   b) The Consent Agenda shall be considered by Council only after the public has had an opportunity to comment on the items included. Should Council need further discussion to occur on a Consent Agenda Item, he/she may motion for the item to be pulled and discussed separately. Those items pulled will be discussed immediately following the Consent Agenda approval.

   c) The agenda format shall generally be as follows: Call to Order; Invocation; Pledge of Allegiance; Roll Call; City Employee Recognition, Consent Agenda (to include Citizen Comments on Consent Agenda Items and Agenda Approval); Public Participation (Agenda); Public Participation (Non-Agenda); Council Comments; Special Awards, Reports, Recognition and Proclamations; Board Appointments, Interviews, and Reports; Tabled Items; Public Hearings; Regular Agenda, (to include first readings of ordinances); Comments Items from the City Attorney and the City Manager; and Council Committee reports. The agenda format is subject to change at the discretion of the City Manager or upon consensus of Council.

   d) Any items received during the public participation (non-agenda) portion of the agenda may, at the discretion of the Council, be discussed by the City Council at the time of such presentation, may be directed by the Council to the City Manager for action or resolution, or may be added to a subsequent meeting or workshop agenda if a member of the City Council so specifically requests.

   e) Votes taken on ordinances and resolutions shall be by roll call and shall be recorded by the City Clerk. All roll call votes shall be in order of District with District 1 voting first, District 2 voting second, and so on, with the Vice Mayor always voting fourth and the Mayor voting last.
f) Once a motion has been made, seconded, and voted upon, it is final, except that the Council may reconsider that matter at the same meeting at which the motion was voted upon or the immediate subsequent meeting. If reconsideration is requested for an immediate subsequent meeting, the Councilmember requesting reconsideration shall notify the City Clerk in advance of the meeting at which the reconsideration will take place and provide the reasons for requesting reconsideration to allow the City Clerk to include the request as part of the meeting agenda and properly notice the item to be reconsidered. The City Clerk shall consult with the City Attorney’s Office to determine sufficiency of notice to interested parties. To reconsider a final vote of the City Council, a motion to reconsider shall be made by a member of the Council that voted on the prevailing side. The City Council shall establish for the public record the reasons that a reconsideration of the final vote was warranted.

10. The City Council of the City of Port Orange is committed to maintaining civility in public and political discourse and encourages the public to do the same. To promote civil discourse and avoid a confrontational atmosphere, all comments by members of the Council, advisory board members, and/or the public should:
   a. Respect the right of all citizens in our community to hold different opinions;
   b. Avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
   c. Strive to understand differing perspectives;
   d. Be truthful, not accusatory and avoid distortion; and
   e. Avoid violence, prejudice and incivility towards citizens, employees, and officials of the City of Port Orange.

11. Cell phone ringers shall be disabled while a meeting or workshop is in progress.

IV. PUBLIC PARTICIPATION.

A. The City of Port Orange recognizes the statutorily created right of the public to be heard on propositions in front of City Council as set forth in Section 286.0114, Florida Statutes, and is committed to democratic, participatory local government. The following rules, guidelines and procedures are intended to promote orderly conduct and defined methods for participation. The presiding officer shall have the authority to enforce these rules and may request the removal of any individual who has been warned of and persists with prohibited conduct.

1. General Rule
   a. Members of the public shall be given a reasonable opportunity to be heard on a proposition before City Council, subject to the rules, guidelines and procedures set forth herein. The opportunity to be heard need not occur at the same meeting at which City Council takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which City Council takes the official action.
b. Public participation is not required under the following circumstances:

i. An official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, and public participation would cause an unreasonable delay in the ability of the City Council to act;

ii. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

iii. A meeting that is exempt from s. 286.011, Florida Statutes; or

iv. A meeting during which the board or commission is acting in a quasi-judicial capacity, unless otherwise provided by law.

2. Meeting Decorum and Conduct

a. Individuals may only make comments from the podium, or such other reasonable accommodation, after being recognized by the presiding officer.

b. Prior to commenting, individuals are required to clearly state their name and city of residence address for the record in order to preserve an accurate public record reflected in the meeting minutes for future reference.

c. All comments shall be directed to the presiding officer and shall not contain profane, aggressive or threatening language, or personal verbal attacks.

d. Repetitive, redundant, or immaterial presentations or requests may be limited, and shall not resume unless authorized by a majority vote of the City Council.

e. Comments shall be limited to the allotted times set forth herein, but additional comments may be submitted in writing to supplement and fully address any issue. The presiding officer shall have the discretion to provide additional time for a representative who can produce supporting documentation or evidence that he or she is authorized to speak on behalf of a group or faction comprised of five or more members of the public.

f. Individuals attending a City Council meeting may choose to either hold a sign or place a sign along the rear wall of Council Chambers. Signs shall not be placed or held in any manner which obstructs the view of other audience members or obstructs the access to or from Council Chambers. Signs shall not be waived or lighted in any manner that causes distraction to the Councilmembers or members of the audience during a City Council meeting or workshop. Signs shall not be affixed to the walls or other surfaces within Council Chambers.

3. Procedures and Guidelines for Public Participation

a. Public Participation – Non-Agenda

i. The City Council allocates 1520 minutes at the beginning of each regularly scheduled City Council Meeting for members of the public who wish to appear before the City Council to make a
request, voice a complaint or concern, express an opinion, or give recognition. Council may extend the allocated time by majority vote of the Council.

ii. Members of the public who wish to be heard shall complete a public participation form and provide the completed form to the City Clerk prior to the beginning of the meeting. Public participation forms shall be made available outside Council Chambers one hour prior to the meeting and in the City Clerk’s Office during regular business hours. The City Clerk shall present all completed forms to the presiding officer prior to the beginning of the meeting.

iii. The presiding officer shall divide the time allocated equally between all who have signed-up to speak. Each individual shall be afforded no more than three minutes to speak, unless such time is extended by a majority vote of city council.

iv. If an item brought forward under Citizen Participation – Non-Agenda requires a longer presentation by the citizen or will require staff research of materials, the item will be scheduled by the Mayor for a future City Council Meeting under Citizen Participation – Agenda.

b. Public Participation – Agenda

i. The City Council shall reserve a section of the agenda dedicated to hearing Public Participation items requiring more than three minutes to fully address.

ii. Members of the public who wish to have their discussion item placed on the agenda shall file the request with the City Clerk at least two three (3) weeks in advance of the Council Meeting at which the item is to be heard. The request shall include the nature of the discussion and any supporting information to be considered.

iii. The City Clerk shall forward a copy of the request and supporting information to the City Council and the appropriate City Department(s) so that research may be conducted and information may be provided by staff as part of the agenda item to assist City Council in making a decision.

iv. Requests shall be forwarded to the appropriate City Advisory Board or Commission for recommendations to the City Council prior to placement on an agenda, when applicable.

v. Public Participation Agenda Items shall be considered in the following format:
   1. Presentation by requestor
   2. Questions of the requestor by City Council
   3. Presentation by City staff, if necessary
   4. Questions of City staff by City Council
   5. Public comments
   6. Take action, if necessary

vi. The requestor and City staff shall each be given 15 minutes to address the agenda item, unless extended by the majority vote of Council. Presentations shall be clear, concise, and to the point. Presentation materials shall be provided to the City Clerk at least 48 hours prior to the meeting date. The City Clerk will upload the presentation materials to the computer in Council Chambers. Members of the public who wish to participate after the presentation by voicing support, opposition or neutrality to the request shall be afforded no more than three minutes each to speak.
c. Public Hearings, Regular Agenda, and Consent Agenda Items

i. Members of the public shall be given an opportunity to be heard on public hearing items and regular agenda items once the applicant has completed his or her presentation, the City Staff has completed its presentation on the issue, and interested parties, if any, have completed their presentation; and before a decision has been made by City Council.

ii. Members of the public who wish to be heard on a particular item listed on the agenda may choose to complete a public participation form and turn-in the completed form to the City Clerk in advance of the meeting, or raise a hand and wait to be called-on when the presiding officer opens the floor to comments from the public.

iii. Applicant(s) and City Staff shall have as much time as necessary to make their presentation before the City Council. Each member of the public shall have no more than three (3) minutes to be heard once recognized by the presiding officer.

d. Submission of Petitions

i. Petitions may be presented by Council during public participation at a meeting or by mailing or hand-delivering to the City Clerk.

ii. If the petition is presented at a meeting, the presenter shall present the petition to the presiding officer through the City Clerk along with a brief overview of the reason for the petition. Such presentation shall be limited to three minutes.

iii. If the petition is sent by mail or hand-delivered to the City Clerk, the petition shall provide the reason for the petition. Upon receipt of the petition, the City Clerk shall place the item on the agenda with a copy of the petition for the next available meeting for discussion.

V. OPENING INVOCATION

A. It shall be the policy of the City Council that the procedures stated in this rule concerning opening invocation shall govern all official meetings of the City Council and that the members of the City Council and City staff shall adhere to these rules. These policies and procedures are not intended, shall not be implemented, and shall not be construed in any way to affiliate the City Council or the City with, nor express a preference for or against any faith, belief, opinion, religion, or denomination. Rather, these policies and procedures are intended to acknowledge and express the City Council respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the City.

1. After the Call to Order of all official meetings of the City Council an Opening Invocation as described herein shall occur. The opening invocation will occur and be completed during the opening, ceremonial portion of the City Council meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Council meeting. If the selected speaker is absent or a selection cannot be made for any reason, the invocation
2. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The City Clerk or his/her designee shall compile and maintain a database of the religious congregations with an established presence within the jurisdictional limits of the City of Port Orange and Volusia County.

b. The Congregation List shall be compiled by referencing the listings for “churches,” “congregations,” or other similar religious assemblies located within the jurisdictional limits of the City and Volusia County in the annual Yellow Pages telephone book(s) published for the City and Volusia County, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence within the jurisdictional limits of the City and Volusia County are eligible to be, and shall be, included in the Congregation List. Any such congregation, entity, organization, or individual within the jurisdictional limits of the City and Volusia County not otherwise identified for participating may request inclusion on the Congregation List by written communication directed to the City Clerk that references the opening invocation. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious congregation within the jurisdictional limits of the City and Volusia County. The Congregation List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious leaders within the jurisdictional limits of the City and Volusia County to choose whether to respond to the City Council’s Invitation and participate. The City Clerk or his/her designee may not inquire into the faith, denomination, or other religious belief of the congregation before adding it to the Congregation List.

c. The Congregation List shall also include the name and contact information of any religious congregation located outside the City and Volusia County, if such religious congregation is attended by a resident or residents of the City or Volusia County, and such resident requests the inclusion of said religious congregation by specific written communication to the City Clerk.

d. The Congregation List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City and Volusia County.

e. The Congregations List shall be updated, by reasonable efforts of the City Clerk or his/her designee, on or about the month of July of each
3. Within thirty (30) days of the effective date of this policy, and on or about May 1 of each calendar year thereafter, the City Clerk or his/her designee shall mail an invitation addressed to the religious leader, chaplain, minister, rabbi or similar, or other contact person of each congregation listed on the Congregations List. The invitation will comport with substantially the following form:

Dear Sir or Madam:

The City of Port Orange City Council makes it a policy to invite members of the clergy and other religious leaders having an established presence within the jurisdictional limits of the City of Port Orange and Volusia County to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence within the jurisdictional limits of the City and Volusia County, you are invited to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the City Clerk at the address included on this letterhead. Invocation speakers are scheduled on a first-come, first-serve basis. The dates of the City Council’s scheduled meetings for the upcoming year are enclosed. If you have a preference among the date, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. The invocation should be brief and succinct. To maintain a spirit of respect and ecumenism, the City Council respectfully requests that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker or otherwise threaten damnation or denigrate nonbelievers.

On behalf of the City Council of the City of Port Orange, I thank you in advance for considering this invitation.

Regards,
City Clerk or his/her designee

4. As the invitation letter shall state, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver a brief and succinct invocation. All reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Council meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the City Council, or at more than three (3) City Council meetings in any calendar year.
5. No member of the City Council, City employee or staff shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker.

6. No member of the City Council, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered. An opportunity to exit the City Council Chambers and return upon completion of the opening invocation is afforded to those who do not wish to participate or witness the opening invocation. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand if he/she wishes to do so for such observances.

7. The following statement shall be placed at the bottom of City Council meeting agendas:

   Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.

VI. CITY BOARD, COMMITTEE, COUNCIL AND AGENDA APPOINTMENTS.

A. All appointments to city boards, commissions, and committees whose members are not subject to appointment by other entities, and in accordance with any applicable restrictions by State Statute, shall be made in accordance with the following procedures:

1. All vacancies subject to appointment to such city boards, commissions, and committees shall be made on a nomination basis by each of the members of the City Council. This nomination shall be construed to be a Motion to Appoint. When more than one nominee has been identified for a single vacancy, voting shall be conducted by written ballot which shall include the name of the Council Member and the name of the nominee. The written ballots shall be read aloud into the record.
2. Roster lists and volunteer applications for City boards, commissions, and committees shall be established and maintained by the City Clerk’s office.

3. Appointments for vacancies occurring on a board wherein the particular member has, for whatever reason, not fulfilled their entire term of membership on that particular board, commission, or committee, shall be to complete the unexpired term only, unless the unexpired term is for a period of time less than six (6) months. In that event, the appointed member shall then be allowed to serve the following full regular term without reappointment.

VII. **Documents**

All documents, photographs or other materials submitted to the City Council become public records when given to the City Council for their consideration and shall be maintained by the City Clerk in accordance with the public records law. Each presenter submitting such materials shall provide copies to each Councilmember, as well as the City Manager, City Attorney, and City Clerk.

VIII. **CITY MANAGER/CITY ATTORNEY ANNUAL REVIEW.**

The City Council shall annually conduct a performance evaluation and salary review of the City Manager and City Attorney in accordance with their respective employment agreements.

Approved and adopted by the City Council of the City of Port Orange, Florida, at the Regular City Council Meeting held on the 6th, 8th day of March, January, 2018.

______________________________
Donald O. Burnette, Mayor

ATTEST:

______________________________
Robin L. Fenwick, CMC City Clerk
I. GENERAL PARLIAMENTARY RULES.

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C. The presiding officer shall preserve order and enforce the rules of decorum and conduct set forth herein.
D. The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the Council. If any appeal is taken, the question shall be, “Shall the decision of the presiding officer be sustained?” A majority of the Council sitting and eligible to vote is required to reverse the ruling of the presiding officer.
E. The presiding officer may call another Councilmember to temporarily chair the meeting to make a motion, or to cover a temporary absence, such substitution is not to continue beyond adjournment.

III. LOCAL RULES.

A. The following Local Rules of Procedure (“Local Rules”) shall be applicable to the organization and conduct of business, as well as preparation and publication of agendas, of the City Council of the City of Port Orange, Florida. To the extent these Local Rules shall modify or conflict with the standard “Robert’s Rules of Order” as adopted above, these Local Rules shall prevail to the extent of their conflict or inconsistency with “Robert’s Rules of Order”. The approval of these Local Rules shall take place at the first meeting held in January of each year, or as soon as possible thereafter.

1. Regular meetings of the City Council shall typically be held on the first and third Tuesdays of each month, with exceptions due to holidays and Port Orange municipal election dates, at 6:30 p.m., in City Hall. These meeting dates and
times are subject to change as determined necessary by the City Council or to comply with the City’s Charter. There shall be no regular City Council meeting on the date of a Port Orange municipal election. A meeting that would otherwise have been scheduled for such date shall be held on the Wednesday immediately following the election at 6:30 p.m. at City Hall.

2. Workshop meetings of the City Council shall be held as needed on the fourth Tuesday of each month at such time and place as set by Council or the City Manager. Every effort will be made to avoid the scheduling of workshops in the months of November and December. Workshops may also be scheduled at other times as determined necessary by the City Council.

3. All regular City Council meetings shall be held in the City Council Chambers at City Hall, unless otherwise designated by the City Council. All City Council workshops will typically be held in the Second Floor Conference Room, Lakeside Activity Center, the Adult Activity Center, or the Council Chambers at City Hall, as determined by the City Manager. All meetings of the City Council shall end by 11:00 p.m. unless extended beyond 11:00 p.m. by a motion of the City Council. Thereafter, the meeting shall end upon the conclusion of each hour (12:00, 1:00, etc.), unless extended by a motion of the City Council for each hour. Any unfinished business shall be considered at a time and place set by the City Council.

4. There may also be special meetings or workshop meetings at such other times designated in advance by the City Council for the purposes of holding joint meetings with City boards, commissions, etc., to include receiving annual reports and presentations from the City’s boards, committees, agencies and authorities, or for such other purposes as may be deemed necessary or desirable by the City Council.

5. Special meetings shall be called at the request of the Mayor or any two Councilmembers in accordance with the provisions of the City Charter and the Code of Ordinances.

6. Ex Parte Communication and Quasi-Judicial Proceedings shall be governed by City Council Resolution No. 00-65. At a minimum, all parties to a Quasi-Judicial Proceeding shall be entitled to the following:

   a. An opportunity to call and examine witnesses, who shall be sworn;
   
   b. An opportunity to introduce evidence;
   
   c. An opportunity to cross examine witnesses; and
   
   d. An opportunity to rebut evidence.

7. To the extent compatible with the conduct of business, all workshop meetings shall be held on an informal basis. The applicability of the City’s general rules shall not be strictly applied. Presentations made at workshop meetings shall be limited to twenty (20) minutes, unless the Council, by consensus, agrees to extend the time.
8. The City Manager shall be responsible for organization and placement of items on the City Council Agenda; however, the Agenda and Agenda packets shall be prepared by the City Clerk. If the Council or any of its members wish to place an item on an agenda, any such request or inquiry shall be directed to the City Manager’s office for disposition as opposed to any Councilmember contacting any City officer or employee who is subject to the direction and supervision of the City Manager.

9. With regard to the agenda for regular City Council meetings, the following shall apply:

a) To the extent possible, the City Administration shall group all matters by subject area, and shall place as many items as possible on the consent portion of the agenda. Those items of a controversial nature or those that need explanation will not be placed on the Consent Agenda.

b) The Consent Agenda shall be considered by Council only after the public has had an opportunity to comment on the items included. Should Council need further discussion to occur on a Consent Agenda Item, he/she may motion for the item to be pulled and discussed separately. Those items pulled will be discussed immediately following the Consent Agenda approval.

c) The agenda format shall generally be as follows: Call to Order; Invocation; Pledge of Allegiance; Roll Call; City Employee Recognition, Consent Agenda (to include Citizen Comments on Consent Agenda Items and Agenda Approval); Public Participation (Agenda); Public Participation (Non-Agenda); Council Comments; Special Awards, Reports, Recognition and Proclamations; Board Appointments, Interviews, and Reports; Tabled Items; Public Hearings; Regular Agenda, (to include first readings of ordinances); Items from the City Attorney and the City Manager; and Council Committee reports. The agenda format is subject to change at the discretion of the City Manager or upon consensus of Council.

d) Any items received during the public participation (non-agenda) portion of the agenda may, at the discretion of the Council, be discussed by the City Council at the time of such presentation, may be directed by the Council to the City Manager for action or resolution, or may be added to a subsequent meeting or workshop agenda if a member of the City Council so specifically requests.

e) Votes taken on ordinances and resolutions shall be by roll call and shall be recorded by the City Clerk. All roll call votes shall be in order of District with District 1 voting first, District 2 voting second, and so on, with the Vice Mayor always voting fourth and the Mayor voting last.
f) Once a motion has been made, seconded, and voted upon, it is final, except that the Council may reconsider that matter at the same meeting at which the motion was voted upon or the immediate subsequent meeting. If reconsideration is requested for an immediate subsequent meeting, the Councilmember requesting reconsideration shall notify the City Clerk in advance of the meeting at which the reconsideration will take place and provide the reasons for requesting reconsideration to allow the City Clerk to include the request as part of the meeting agenda and properly notice the item to be reconsidered. The City Clerk shall consult with the City Attorney’s Office to determine sufficiency of notice to interested parties. To reconsider a final vote of the City Council, a motion to reconsider shall be made by a member of the Council that voted on the prevailing side. The City Council shall establish for the public record the reasons that a reconsideration of the final vote was warranted.

10. The City Council of the City of Port Orange is committed to maintaining civility in public and political discourse and encourages the public to do the same. To promote civil discourse and avoid a confrontational atmosphere, all comments by members of the Council, advisory board members, and/or the public should:
   a. Respect the right of all citizens in our community to hold different opinions;
   b. Avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
   c. Strive to understand differing perspectives;
   d. Be truthful, not accusatory and avoid distortion; and
   e. Avoid violence, prejudice and incivility towards citizens, employees, and officials of the City of Port Orange.

11. Cell phone ringers shall be disabled while a meeting or workshop is in progress.

IV. PUBLIC PARTICIPATION.

A. The City of Port Orange recognizes the statutorily created right of the public to be heard on propositions in front of City Council as set forth in Section 286.0114, Florida Statutes, and is committed to democratic, participatory local government. The following rules, guidelines and procedures are intended to promote orderly conduct and defined methods for participation. The presiding officer shall have the authority to enforce these rules and may request the removal of any individual who has been warned of and persists with prohibited conduct.

1. General Rule

   a. Members of the public shall be given a reasonable opportunity to be heard on a proposition before City Council, subject to the rules, guidelines and procedures set forth herein. The opportunity to be heard need not occur at the same meeting at which City Council takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which City Council takes the official action.
b. Public participation is not required under the following circumstances:
   i. An official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, and public participation would cause an unreasonable delay in the ability of the City Council to act;
   ii. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
   iii. A meeting that is exempt from s. 286.011, Florida Statutes; or
   iv. A meeting during which the board or commission is acting in a quasi-judicial capacity, unless otherwise provided by law.

2. Meeting Decorum and Conduct

a. Individuals may only make comments from the podium, or such other reasonable accommodation, after being recognized by the presiding officer.

b. Prior to commenting, individuals are required to clearly state their name and city of residence for the record in order to preserve an accurate public record reflected in the meeting minutes for future reference.

c. All comments shall be directed to the presiding officer and shall not contain profane, aggressive or threatening language, or personal verbal attacks.

d. Repetitive, redundant, or immaterial presentations or requests may be limited, and shall not resume unless authorized by a majority vote of the City Council.

e. Comments shall be limited to the allotted times set forth herein, but additional comments may be submitted in writing to supplement and fully address any issue. The presiding officer shall have the discretion to provide additional time for a representative who can produce supporting documentation or evidence that he or she is authorized to speak on behalf of a group or faction comprised of five or more members of the public.

f. Individuals attending a City Council meeting may choose to either hold a sign or place a sign along the rear wall of Council Chambers. Signs shall not be placed or held in any manner which obstructs the view of other audience members or obstructs the access to or from Council Chambers. Signs shall not be waived or lighted in any manner that causes distraction to the Councilmembers or members of the audience during a City Council meeting or workshop. Signs shall not be affixed to the walls or other surfaces within Council Chambers.

3. Procedures and Guidelines for Public Participation

a. Public Participation – Non-Agenda
   i. The City Council allocates 20 minutes at each regularly scheduled City Council Meeting for members of the public who wish to
appear before the City Council to make a request, voice a complaint or concern, express an opinion, or give recognition. Council may extend the allocated time by majority vote of the Council.

ii. Members of the public who wish to be heard shall complete a public participation form and provide the completed form to the City Clerk prior to the beginning of the meeting. Public participation forms shall be made available outside Council Chambers one hour prior to the meeting and in the City Clerk’s Office during regular business hours. The City Clerk shall present all completed forms to the presiding officer prior to the beginning of the meeting.

iii. The presiding officer shall divide the time allocated equally between all who have signed-up to speak. Each individual shall be afforded no more than three minutes to speak, unless such time is extended by a majority vote of city council.

iv. If an item brought forward under Citizen Participation – Non-Agenda requires a longer presentation by the citizen or will require staff research of materials, the item may be scheduled by the Mayor for a future City Council Meeting under Citizen Participation – Agenda.

b. Public Participation – Agenda

i. The City Council shall reserve a section of the agenda dedicated to hearing Public Participation items requiring more than three minutes to fully address.

ii. Members of the public who wish to have their discussion item placed on the agenda shall file the request with the City Clerk at least three weeks in advance of the Council Meeting at which the item is to be heard. The request shall include the nature of the discussion and any supporting information to be considered.

iii. The City Clerk shall forward a copy of the request and supporting information to the City Council and the appropriate City Department(s) so that research may be conducted and information may be provided by staff as part of the agenda item to assist City Council in making a decision.

iv. Requests shall be forwarded to the appropriate City Advisory Board or Commission for recommendations to the City Council prior to placement on an agenda, when applicable.

v. Public Participation Agenda Items shall be considered in the following format:
   1. Presentation by requestor
   2. Questions of the requestor by City Council
   3. Presentation by City staff, if necessary
   4. Questions of City staff by City Council
   5. Public comments
   6. Take action, if necessary

vi. The requestor and City staff shall each be given 15 minutes to address the agenda item, unless extended by the majority vote of Council. Presentations shall be clear, concise, and to the point. Presentation materials shall be provided to the City Clerk at least 48 hours prior to the meeting date. The City Clerk will upload the
V. OPENING INVOCATION

A. It shall be the policy of the City Council that the procedures stated in this rule concerning opening invocation shall govern all official meetings of the City Council and that the members of the City Council and City staff shall adhere to these rules. These policies and procedures are not intended, shall not be implemented, and shall not be construed in any way to affiliate the City Council or the City with, nor express a preference for or against any faith, belief, opinion, religion, or denomination. Rather, these policies and procedures are intended to acknowledge and express the City Council respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the City.

1. After the Call to Order of all official meetings of the City Council an Opening Invocation as described herein shall occur. The opening invocation will occur
and be completed during the opening, ceremonial portion of the City Council meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Council meeting. If the selected speaker is absent or a selection cannot be made for any reason, the invocation will consist of a brief moment of silence.

2. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The City Clerk or his/her designee shall compile and maintain a database of the religious congregations with an established presence within the jurisdictional limits of the City of Port Orange and Volusia County.

b. The Congregation List shall be compiled by referencing the listings for “churches,” “congregations,” or other similar religious assemblies located within the jurisdictional limits of the City and Volusia County in the annual Yellow Pages telephone book(s) published for the City and Volusia County, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence within the jurisdictional limits of the City and Volusia County are eligible to be, and shall be, included in the Congregation List. Any such congregation, entity, organization, or individual within the jurisdictional limits of the City and Volusia County not otherwise identified for participating may request inclusion on the Congregation List by written communication directed to the City Clerk that references the opening invocation. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious congregation within the jurisdictional limits of the City and Volusia County. The Congregation List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious leaders within the jurisdictional limits of the City and Volusia County to choose whether to respond to the City Council’s Invitation and participate. The City Clerk or his/her designee may not inquire into the faith, denomination, or other religious belief of the congregation before adding it to the Congregation List.

c. The Congregation List shall also include the name and contact information of any religious congregation located outside the City and Volusia County, if such religious congregation is attended by a resident or residents of the City or Volusia County, and such resident requests the inclusion of said religious congregation by specific written communication to the City Clerk.

d. The Congregation List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City and Volusia
e. The Congregations List shall be updated, by reasonable efforts of the City Clerk or his/her designee, on or about the month of July of each calendar year.

3. Within thirty (30) days of the effective date of this policy, and on or about May 1 of each calendar year thereafter, the City Clerk or his/her designee shall mail an invitation addressed to the religious leader, chaplain, minister, rabbi or similar, or other contact person of each congregation listed on the Congregations List. The invitation will comport with substantially the following form:

Dear Sir or Madam:

The City of Port Orange City Council makes it a policy to invite members of the clergy and other religious leaders having an established presence within the jurisdictional limits of the City of Port Orange and Volusia County to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence within the jurisdictional limits of the City and Volusia County, you are invited to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the City Clerk at the address included on this letterhead. Invocation speakers are scheduled on a first-come, first-serve basis. The dates of the City Council’s scheduled meetings for the upcoming year are enclosed. If you have a preference among the date, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. The invocation should be brief and succinct. To maintain a spirit of respect and ecumenism, the City Council respectfully requests that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker or otherwise threaten damnation or denigrate nonbelievers.

On behalf of the City Council of the City of Port Orange, I thank you in advance for considering this invitation.

Regards,
City Clerk or his/her designee

4. As the invitation letter shall state, the respondents to the invitation shall be scheduled on a first-come, first serve basis to deliver a brief and succinct invocation. All reasonable efforts shall be made to ensure that a variety of
invocation speakers are scheduled for City Council meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the City Council, or at more than three (3) City Council meetings in any calendar year.

5. No member of the City Council, City employee or staff shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker.

6. No member of the City Council, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered. An opportunity to exit the City Council Chambers and return upon completion of the opening invocation is afforded to those who do not wish to participate or witness the opening invocation. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand if he/she wishes to do so for such observances.

7. The following statement shall be placed at the bottom of City Council meeting agendas:

Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.

VI. CITY BOARD, COMMITTEE, COUNCIL AND AGENDA APPOINTMENTS.

A. All appointments to city boards, commissions, and committees whose members are not subject to appointment by other entities, and in accordance with any applicable restrictions by State Statute, shall be made in accordance with the following procedures:

1. All vacancies subject to appointment to such city boards, commissions, and committees shall be made on a nomination basis by each of the members of the City Council. This nomination shall be construed to be a Motion to Appoint. When more than one nominee has been identified for a single vacancy, voting
shall be conducted by written ballot which shall include the name of the Council Member and the name of the nominee. The written ballots shall be read aloud into the record.

2. Roster lists and volunteer applications for City boards, commissions, and committees shall be established and maintained by the City Clerk’s office.

3. Appointments for vacancies occurring on a board wherein the particular member has, for whatever reason, not fulfilled their entire term of membership on that particular board, commission, or committee, shall be to complete the unexpired term only, unless the unexpired term is for a period of time less than six (6) months. In that event, the appointed member shall then be allowed to serve the following full regular term without reappointment.

VII. Documents

All documents, photographs or other materials submitted to the City Council for their consideration shall be maintained by the City Clerk in accordance with the public records law. Each presenter submitting such materials shall provide copies to each Councilmember, as well as the City Manager, City Attorney, and City Clerk.

VIII. CITY MANAGER/CITY ATTORNEY ANNUAL REVIEW.

The City Council shall annually conduct a performance evaluation and salary review of the City Manager and City Attorney in accordance with their respective employment agreements.

Approved and adopted by the City Council of the City of Port Orange, Florida, at the Regular City Council Meeting held on the 8th day of January, 2019.

________________________________________
Donald O. Burnette, Mayor

ATTEST:

________________________________________
Robin L. Fenwick, CMC, City Clerk
THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Donald O. Burnette at 6:30 p.m.

Silent Invocation

Pledge of Allegiance

Roll Call

Present: Councilman Drew Bastian
         Councilman Scott Stiltner
         Vice Mayor Chase Tramont
         Mayor Donald Burnette

Absent: Councilman Bob Ford (Excused)

Also Present: City Manager Jake Johansson
              City Attorney Margaret Roberts
              City Clerk Robin Fenwick

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes requested.

6. Approval of Minutes
   a. December 4, 2018 - Regular City Council Meeting

7. Bid Awards and Contract Items
   a. Approval of Task Authorization No. 18 under the Master Contract for Services for services with Mead and Hunt, Inc. related to the Virginia Avenue and Monroe Street Storm Water Improvements.
   b. Approval of the Amendment No. 1 to the Amended and Restated Agreement with G.E.L. Corporation to Provide Recyclable Materials Processing and Marketing Services (CA File #0000674)

8. Resolution No. 18-60 - Budget Appropriation

9. Approval of the Memorandum of Understanding (MOU) with PBA concerning Specialty Pay
10. Approval of CDBG Amended Action Plan for Program Year 2018 and Program Year 2017 Consolidated Annual Performance and Evaluation Report (CAPER)

11. Acceptance of the 2018 Annual Concurrency Management Report

12. Adoption of the 2019 Public Hearing and Development Review Calendars

13. Approval of a Lien Recovery Agreement for the property at 929 Forest Glen Drive

14. Approval of Concurrency and Fair-Share Agreement for the Springs at Port Orange Site Plan - Case No. 18-80000008 (Continued from 12/4/18)

15. Approval of Concurrency and Fair-Share Agreement for the Autozone Site Plan (1710 Taylor Road) - Case No. 18-80000007

Motion to approve the Consent Agenda as presented was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Robert Reinhagen, citizen, expressed his concerns with voting taking place on items that are not on the agenda.

Steven Kleid, citizen, expressed his concerns with traffic signals within the City and how they change so often, especially on Dunlawton Avenue.

COUNCIL COMMENTS

17. Comments/Concerns from Council Members

Mayor Burnette asked Mr. Johansson to provide an update on the Taylor Road closure. Mr. Johansson introduced Brad Blais with Mead & Hunt, who provided an update on the project.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

18. Citizen Advisory Committee for TPO

The CAC did not meet this month; no report provided.

PUBLIC HEARING


Mayor Burnette read Ordinance No. 2018-27.
ORDINANCE NO. 2018-27

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 18, TO ESTABLISH A NEW ARTICLE XIV ADOPTING SHOPPING CART REGULATIONS RELATED TO SIGNAGE AND ON-SITE RETENTION MEASURES; PROVIDING PROCEDURES FOR SHOPPING CARTS FOUND ON PUBLIC PROPERTY; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-27 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Matthew Jones, Deputy City Attorney, discussed the changes made after the original first reading based on public comments.

Mr. Kleid expressed does not support penalizing the store for theft of their shopping carts.

William Lynch, citizen, expressed his concerns as well, specifically for those who are handicap and need the assistance of the shopping cart.

Motion carried 3-1 by roll call vote with Vice Mayor Tramont voting no.

20. Second Reading - Ordinance No. 2018-30 - Small-Scale Future Land Use Amendment/1389 Reed Canal Road

Mayor Burnette read Ordinance No. 2018-30.

ORDINANCE NO. 2018-30

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE DESIGNATION FOR +9.91 ACRES FROM VOLUSIA COUNTY URBAN LOW INTENSITY (0.2-4 UNITS/ACRE) TO CITY OF PORT ORANGE URBAN MEDIUM DENSITY (4-8 UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.
Motion to adopt Ordinance No. 2018-30 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

21. Second Reading - Ordinance No. 2018-31 - PUD Rezoning and New Port Master Development Agreement and Conceptual Development Plan (Case No. 18-65000002)


ORDINANCE NO. 2018-31

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY ±29.7 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF REED CANAL ROAD, BETWEEN CLYDE MORRIS BOULEVARD AND ATLANTIC HIGH SCHOOL FROM CITY OF PORT ORANGE PLANNED COMMERCIAL DEVELOPMENT (PCD) AND VOLUSIA COUNTY RURAL AGRICULTURE (A-2) TO PUD (PLANNED UNIT DEVELOPMENT) AND APPROVING A MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR THE NEW PORT APARTMENTS PUD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-31 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

22. Second Reading - Ordinance No. 2018-33 – 3rd Amendment to the Journey’s End Planned Commercial Development Master Development Agreement, Case No. 18-40000002

Mayor Burnette read Ordinance No. 2018-33.

ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE JOURNEY’S END (f/k/a THE PEACOCK WAY) PLANNED COMMERCIAL DEVELOPMENT (PCD) AND THE CONCEPTUAL
DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-33 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.


Mayor Burnette read Ordinance No. 2018-34.

ORDINANCE NO. 2018-34

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 2-226 OF THE CODE OF ORDINANCES RELATED TO CODE ENFORCEMENT LIEN REDUCTION PROGRAM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-34 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

24. First Reading - Ordinance No. 2018-35 - Annexation/All Aboard Storage - Taylor Road

Mayor Burnette read Ordinance No. 2018-35.

ORDINANCE NO. 2018-35

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING THE FOLLOWING PARCELS: 6224-00-00-0051 AND 6224-00-00-0080, MADE UP OF APPROXIMATELY ±3.8 ACRES OF PROPERTY ALONG WITH THE ADJACENT TAYLOR ROAD RIGHT-OF-WAY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Motion to adopt Ordinance No. 2018-35 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Penelope Cruz, Planning Manager, discussed the requested annexation. Council members expressed concerns about traffic, visibility, and the other items. They urged the applicant to have discussions with the neighbors.

Motion carried unanimously by roll call vote.

25. First Reading – Ordinance No. 2018-36 - 2018 Comprehensive Plan Capital Improvements Element (CIE) Annual Update (Case No. 18-27500001)

Mayor Burnette read Ordinance No. 2018-36.

ORDINANCE NO. 2018-36

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR THE FY2019-2024 FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AND SUPPORTING DATA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-36 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Ms. Cruz provided details of the need for this annual update.

Motion carried unanimously by roll call vote.

26. Final Plat & Plans for the King's Landing Subdivision, Phase I, east side of Hensel Road, between East Hensel Drive and Hills Boulevard, Case No. 18-50000003

Motion to approve the Final Plat & Plans for the King's Landing Subdivision, Phase I was made by Vice Mayor Chase
Tramont, and Seconded by Councilman Drew Bastian.

Tim Burman, Community Development Director, explained the modification being requested. Mr. Burman answered Council’s questions regarding the size of the lots and the fill dirt needed.

William Litch, citizen, expressed his concerns regarding the constant changes. He doesn’t believe the access point of Hensel Road is enough.

Sarah Jones, citizen, asked Council to use the microphones so they can be heard.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

27. Award of Bid #18-20 - Enterprise Resource Planning (ERP) Software to Workday and Implementation Services to Collaborative Solutions

Motion to approve award of Bid #18-20 for two contracts as follows: (1) Enterprise Resource Planning (ERP) Software and Consulting Services with Workday in an amount to be determined and (2) Implementation Services with Collaborative Solutions in an amount to be determined was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian.

Alan Rosen, Assistant City Manager, provided details of the changes provided prior to the meeting to Council, as well as details on the ERP project and the request for bid award. Staff has negotiated with the top ranked vendors as directed by Council and is attempting to purchase several modules from Workday. He requested Council approval.

Jane Davis, ERP Project Manager, provided details of the process improvement teams that have been working within the Staff.

Mr. Rosen provided the dollar figures on the $2,501,662 for Collaborative Solutions and $1,665,668 for Workday.

Motion carried unanimously by roll call vote.

Mayor Burnette thanked Ms. Davis for her work with the PIT Crews. He heard positive feedback from employees during a recent event.
COMMENTS

28. City Attorney Comments

There were no comments.

29. City Manager Comments

Mr. Johansson advised Council he has decided to close City Hall on Monday, December 24, 2018. Those who have to work will receive 8 hours to use at a later day. The pancake breakfast will be postponed until a later date to be announced.

COUNCIL COMMITTEE REPORTS

30. City Council Committee Reports
   a. ArtHaus – Councilman Ford was not present to provide a report.
   b. Port Orange/South Daytona Chamber of Commerce – Mayor Burnette reported on the upcoming events
   c. Roundtable of Elected Officials – Mayor Burnette reported on their recent meeting.

ADJOURNMENT – 8:09 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, CMC
City Clerk
SUBJECT: (B9) Resolution No. 19-1 - Amending Resolution 18-19 ECHO Grant Application- Recreational, Educational, and Cultural (REC) Center

DEPARTMENT: Parks & Recreation

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Resolution No. 19-1, amending Resolution 18-19 ECHO Grant Application - Recreational, Educational, and Cultural (REC) Center, subject to Volusia County's approval of the amended Resolution.

SUMMARY: The City submitted an application for the creation of a Recreational, Educational and Cultural (REC) Center. The initial ECHO Resolution No. 18-19 for this application committed $400,000 in match for the project. The approved CIP and budget for FY19 included $516,601 dedicated to this project. This Resolution amends the original resolution and increases the amount of match funding to be consistent with what is already in the City's approved budget for this project.

Project No.: QPC082
QPC082

Funding Account No.: 317-10000-519-63-97
611-5100-572-63-97

Presenter: Amanda Lasecki

ATTACHMENTS:

1. Reso. No. 19-1 Reso. No. 19-1.pdf

Amanda Lasecki Created/Initiated - 12/18/2018
Susan Lovallo Approved - 12/18/2018
Lori Bockelman Approved - 12/21/2018
Margaret Roberts Approved - 01/04/2019
Jake Johansson Approved - 01/04/2019
Robin Fenwick Final Approval - 01/04/2019
RESOLUTION NO. 19-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING RESOLUTION NO. 18-19 TO AUTHORIZE ADDITIONAL MATCHING FUNDS; AUTHORIZING THE MAYOR AND CITY MANAGER TO AMEND AND SUBMIT THE UPDATED APPLICATION FOR FINANCIAL ASSISTANCE TO VOLUSIA COUNTY, VOLUSIA ECHO GRANT PROGRAM TO RENOVATE AND REPURPOSE THE CURRENT GYM BUILDING; CREATING A RECREATIONAL, EDUCATIONAL AND CULTURAL (REC) CENTER; PROVIDING FOR MATCHING FUND CONTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County of Volusia provides financial assistance under the Volusia ECHO Grant Program for the encouragement of Environmental, Cultural, Historic, and Outdoor projects that benefit Volusia; and

WHEREAS, the City Council of the City of Port Orange is proposing the renovations and repurposing of the gym building to create a recreational, educational and cultural (REC) building; and

WHEREAS, pursuant to Resolution No. 18-19, the City Council of the City of Port Orange authorized the submission of an application for financial assistance to the County of Volusia under the Volusia ECHO Grant Program; and

WHEREAS, the City Council desires to amend its authorization to provide for additional funding as set forth hereinafter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:
Section 1. The Mayor and City Manager of the City of Port Orange hereby amend Resolution No. 18-19 to authorize submittal of an updated and amended application for financial assistance to the County of Volusia, Volusia ECHO Grant Program. The grant application is for the renovations and repurposing of the gym building to create a recreational, educational and cultural (REC) building.

Section 2. The Mayor and City Clerk shall be authorized to execute agreements or contracts necessary to implement this Resolution.

Section 3. By adoption of this Resolution the City is hereby committed to a $516,601.00 cash match contribution.

Section 4. This resolution shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Adopted on the day of

Reviewed and Approved: Margaret T. Roberts, City Attorney
SUBJECT: (B10) Resolution No. 19-2 - Parks and Recreation Fee Adjustments

DEPARTMENT: Parks & Recreation

GOAL:

RECOMMENDED MOTION: Move to approve Resolution No. 19-2.

SUMMARY: The Parks & Recreation Department reviews program and rental fees annually. Attached for your review are the suggested changes for the FY19 fees. One big change is the department is requesting a range to charge fees for programs based on the nature of the program. This will allow staff to add new programs more timely and charge based on a cost recovery model. Staff recommends approval.

Project No.: Funding Account No.:

Presenter: Susan Lovallo

ATTACHMENTS:

3. Parks and Rec Memo to CM  19feememo.doc

Peter Ferreira  Created/Initiated - 12/18/2018
Susan Lovallo  Approved - 12/20/2018
Matthew Jones  Approved - 12/28/2018
Jake Johansson  Approved - 12/31/2018
Robin Fenwick  Final Approval - 01/02/2019
RESOLUTION NO. 19-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING REVISED FEES FOR PARKS AND RECREATION FACILITY USE, ATHLETIC PROGRAMS, SENIOR PROGRAMS, AND MISCELLANEOUS SERVICES; SUPERSEDING PRIOR RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange Recreation Department offers youth and adult athletic programs, playground programs, adult and senior programs and classes; and

WHEREAS, the City of Port Orange incurs administrative expenses to organize these programs and activities, register participants and provide supervision; and

WHEREAS, additional costs are incurred in providing uniforms, supplies, equipment and officials for the athletic programs which are defrayed, in part, by sponsor fees and registration fees; and

WHEREAS, the City Council desires to have such costs borne by persons participating in designated programs and activities and by team sponsors; and

WHEREAS, Chapter 50 of the Code of Ordinances, City of Port Orange, Florida, authorizes the City Council to establish by resolution fees for recreation activities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The fees, rates and charges set forth in Exhibits A-D, attached hereto and incorporated herein by reference, are hereby established pursuant to the authority set forth in Chapter 50 of the Code of Ordinances.

Section 2. This resolution shall supersede Resolution No. 17-25 and any conflicting resolutions.
Section 3. The fees established in this resolution shall become effective January 9, 2019.

_____________________________
MAYOR DONALD O. BURNETTE

ATTEST:

_____________________________
Robin L. Fenwick, CMC, City Clerk

Adopted on the ______ day of

Reviewed and Approved: ____________________________
Matthew J. Jones, Deputy City Attorney
## YOUTH PROGRAM REGISTRATION FEES

<table>
<thead>
<tr>
<th>Program</th>
<th>Youth Sports</th>
<th>Open Gym - Child</th>
<th>Open Gym - Student</th>
<th>Sports Camps</th>
<th>Summer Rec Elem.</th>
<th>Elem. Trip Package</th>
<th>Teen Camp</th>
<th>Camp T- Rec</th>
<th>Registration Late Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$25-90</td>
<td>$1-5 daily</td>
<td>$2-10 daily</td>
<td>$10-30</td>
<td>$450</td>
<td>$175</td>
<td>$550</td>
<td>$ fee set by OB</td>
<td>$10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$45-60 annually</td>
<td>$55-70 annually</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Joint program with OB</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ormond Beach</td>
<td></td>
</tr>
</tbody>
</table>

*Child = child under 18 years of age by May 1

*Student = person over 18 as of May 1 with valid student ID.

## ADULT PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Open Gym Adult</th>
<th>Adult Team Sport</th>
<th>Adult Sports</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$3-15 daily</td>
<td>$200 PT</td>
<td>$30-100 PP</td>
</tr>
</tbody>
</table>

*PT - per team, PP - per person

## SENIOR PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Open Gym Senior</th>
<th>Senior Team Sport</th>
<th>Senior Games</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2-10 daily</td>
<td>$150 PT</td>
<td>$15</td>
</tr>
<tr>
<td></td>
<td>$55-70 annually</td>
<td>Plus $30 PP</td>
<td>$5 each addt'l. event</td>
</tr>
</tbody>
</table>

*PT - per team, PP - per person, Senior = 50 as of December 31 of current year

## SPECIAL PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Parade entry fee</th>
<th>Get Fit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$25 (NP/NC)</td>
<td>$50</td>
</tr>
</tbody>
</table>

*(NP) – Nonprofit, (NC) - noncommercial, (FP) - for profit, (C) - commercial

## PARK & RECREATION PARTNERS PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Youth Sport (Half year program)</th>
<th>Youth Sport (Full year program)</th>
<th>Adult Center Annual Club Fee (indoors)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,000 per year</td>
<td>$4,000 per year</td>
<td>$200 ½ building</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$400 whole</td>
</tr>
</tbody>
</table>
### Exhibit B

**SPONSOR FEES**

<table>
<thead>
<tr>
<th>Sponsor Type</th>
<th>Yearly Cost</th>
<th>Renewal Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banner sponsor</td>
<td>$500</td>
<td>$350</td>
</tr>
<tr>
<td>Scoreboard sponsor</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>Youth team sponsor</td>
<td>$350</td>
<td></td>
</tr>
<tr>
<td>Youth league Sponsor</td>
<td>$1,500</td>
<td>(min. 6 teams per league)</td>
</tr>
</tbody>
</table>

**ATHLETIC FACILITIES**

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Per Field</th>
<th>Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gym (1 court) per hour</td>
<td>$50</td>
<td></td>
</tr>
<tr>
<td>Gym Tournament (per court)</td>
<td>$300 per day</td>
<td>$600 per day</td>
</tr>
<tr>
<td>Ball Fields (1-bb or 1 soccer)</td>
<td>$20 per hour</td>
<td>$30 per hour</td>
</tr>
<tr>
<td>Ball Fields Tournament (per field)</td>
<td>$100 per day</td>
<td>$200 per day (FP/C)</td>
</tr>
<tr>
<td>Light Fee per field</td>
<td>$10 per hour</td>
<td>$35 Tournament per day</td>
</tr>
<tr>
<td>Hard Court with lights</td>
<td>$10 per hour (per court)</td>
<td>$20 per hour (per court)</td>
</tr>
<tr>
<td>Hard Court Tournament (per facility)</td>
<td>$100 per day (per facility)</td>
<td>$200 per day (per facility)</td>
</tr>
<tr>
<td>Skate Park Tournament</td>
<td>$100 per day</td>
<td>$200 per day</td>
</tr>
</tbody>
</table>

**ATHLETIC SERVICES**

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tournament Prep (initial chalk, lines, paper products, base painting) per day</td>
<td>$35</td>
</tr>
<tr>
<td>Rental Field Prep per field</td>
<td>$10 per occurrence</td>
</tr>
<tr>
<td>Athletic Concessionaire (food, decals, photos, etc.) BLDG</td>
<td>$500 per season</td>
</tr>
<tr>
<td>Athletic Concessionaire (food, decals, photos, etc.) Cart</td>
<td>$200 per season</td>
</tr>
<tr>
<td>Concession Stand (nonprofit)</td>
<td>$100 per day</td>
</tr>
<tr>
<td>Temporary Fence Rental per field</td>
<td>$50</td>
</tr>
</tbody>
</table>
### LAKESIDE COMMUNITY CENTER

<table>
<thead>
<tr>
<th>Service</th>
<th>Weekday Rate per hour</th>
<th>Weekend Rate per hour</th>
<th>Conference Rate (8:30-5:30 weekdays only)</th>
<th>Wedding Package</th>
<th>Lakeside Lawn per hour</th>
<th>Lakeside Concession Per day</th>
<th>Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$75 whole</td>
<td>$125</td>
<td>$350</td>
<td>$1,250</td>
<td>$10</td>
<td>$200 per day</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>$30 Lakeview</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$50 Community Rm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ADULT CENTER & ANNEX

<table>
<thead>
<tr>
<th>Service</th>
<th>A/C weekday rate per hour</th>
<th>A/C weekend rate per hour</th>
<th>A/C Class Rental</th>
<th>Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$35 ½ building</td>
<td>$70 Whole</td>
<td>$25 ½ building</td>
<td>$100</td>
</tr>
</tbody>
</table>

### SPECIAL EVENT FACILITIES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amphitheater per hour</td>
<td>$100</td>
</tr>
<tr>
<td>City Center Complex per hour per section</td>
<td>$50</td>
</tr>
<tr>
<td>Riverwalk Park per hour per section</td>
<td>$50</td>
</tr>
</tbody>
</table>

### ADDITIONAL VENUES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Picnic Pavilion per 3 hours Sm/Lg</td>
<td>$50 Sm</td>
</tr>
<tr>
<td>Concessionaire Fee per day (based on event)</td>
<td>$25-500</td>
</tr>
<tr>
<td>Exhibitor Fee per day (based on event)</td>
<td>$15-250</td>
</tr>
</tbody>
</table>
### ADDITIONAL FEES

<table>
<thead>
<tr>
<th>Services Supplied by the City</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Fee for Pedestals</td>
<td>$50.00 @</td>
</tr>
<tr>
<td>Trash Cans (Rental Includes Two)</td>
<td>$2.00 @</td>
</tr>
<tr>
<td>Barricades</td>
<td>$2.00</td>
</tr>
<tr>
<td>Police Services</td>
<td>$40.00 per hr</td>
</tr>
<tr>
<td>VIPS (volunteers in police services)</td>
<td>N/A</td>
</tr>
<tr>
<td>Fire Services- including 1st aid</td>
<td>$55.00 per hr</td>
</tr>
<tr>
<td>Parks, Public Works/ Public Utilities Staff</td>
<td>$25.00 per hr</td>
</tr>
<tr>
<td>Water Hook Up</td>
<td>$25.00</td>
</tr>
<tr>
<td>Deposit</td>
<td>$100.00</td>
</tr>
<tr>
<td>Additional Part Time staff</td>
<td>$15 per hr</td>
</tr>
<tr>
<td>Cones</td>
<td>$1 per cone</td>
</tr>
<tr>
<td>Electronic Sign Board</td>
<td>$65 per day</td>
</tr>
<tr>
<td>Alcohol Fee</td>
<td>$75</td>
</tr>
</tbody>
</table>
Exhibit A

## YOUTH AND ADULT PROGRAM REGISTRATION FEES

<table>
<thead>
<tr>
<th>Program</th>
<th>Fee</th>
<th>Annual Fee</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Sports</td>
<td>$70</td>
<td></td>
<td>Range $25-$90</td>
</tr>
<tr>
<td>Youth Rookie Sport</td>
<td>$50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Stars</td>
<td>$75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Gym youth</td>
<td>$1 daily</td>
<td>$45 annually</td>
<td>Range $1-$5 daily</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$45-$60 annually</td>
</tr>
<tr>
<td>Open Gym Student</td>
<td>$2 daily</td>
<td>$55 annually</td>
<td>Range $2-$10 daily</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$55-$70 annually</td>
</tr>
<tr>
<td>Sport Camps</td>
<td></td>
<td></td>
<td>Range $10-30 pp</td>
</tr>
<tr>
<td>Summer Rec Elem.</td>
<td>$450</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elem. Trip Package</td>
<td>$175</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teen Camp</td>
<td>$550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp T- Rec</td>
<td>$ fee set by OB</td>
<td>Joint program with Ormond Beach</td>
<td></td>
</tr>
<tr>
<td>Registration Late Fee</td>
<td>$10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Child = child under 18 years of age by May 1
Student = person over 18 as of May 1 with valid student ID.

## ADULT PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Fee</th>
<th>Annual Fee</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Gym Adult</td>
<td>$3 Daily</td>
<td>$65 annually</td>
<td>Range $3-$15 daily</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$65-$80 annually</td>
</tr>
<tr>
<td>Adult Team Sport (15 game season)</td>
<td>$300 PT</td>
<td>Plus $30 per player</td>
<td>Min. 12 players</td>
</tr>
<tr>
<td>Adult Team Sport (12 game season)</td>
<td>$200 PT</td>
<td>Plus $30 per player</td>
<td>Min. 10 players</td>
</tr>
<tr>
<td>Adult Individual Sports (12 game season)</td>
<td>$30 pp</td>
<td>Range $30-$100</td>
<td></td>
</tr>
</tbody>
</table>

PT- per team, PP- per person

## SENIOR PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Fee</th>
<th>Annual Fee</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Gym Senior</td>
<td>$2 Daily</td>
<td>$55 annually</td>
<td>Range $2-$10 daily</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$55-$70 annually</td>
</tr>
<tr>
<td>Senior Team Sport (12 game season)</td>
<td>$150 PT</td>
<td>Plus $30 per player</td>
<td>Min. 12 players</td>
</tr>
<tr>
<td>Senior Games Registration fee</td>
<td>$15</td>
<td>$5 each add'l. event</td>
<td>Golf fee set by CHGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Team fee $50</td>
</tr>
<tr>
<td>Senior Dance Fee</td>
<td>$5 single</td>
<td>$8 couple</td>
<td></td>
</tr>
</tbody>
</table>

PT- per team, PP- per person, Senior = 50 as of December 31 of current year

## SPECIAL PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Fee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parade entry fee</td>
<td>$25 (NP/NC)</td>
<td>$50 (FP/C)</td>
</tr>
<tr>
<td>Get Fit</td>
<td>$50</td>
<td></td>
</tr>
</tbody>
</table>

(NP) – Non profit, (NC)- non commercial, (FP)- for profit, (C)- commercial
### PARK & RECREATION PARTNERS PROGRAMS

<table>
<thead>
<tr>
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<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Sport (Half year program)</td>
<td>$2,000 per year</td>
</tr>
<tr>
<td>Youth Sport (Full year program)</td>
<td>$4,000 per year</td>
</tr>
<tr>
<td>Adult Center Annual Club Fee (indoors)</td>
<td>$200 ½ building, $400 whole</td>
</tr>
</tbody>
</table>

### Exhibit B

#### SPONSOR FEES

<table>
<thead>
<tr>
<th>Sponsor Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banner sponsor</td>
<td>$500 per year, $350 renewal</td>
</tr>
<tr>
<td>Scoreboard sponsor</td>
<td>$3,000 for 3 years</td>
</tr>
<tr>
<td>Youth team sponsor</td>
<td>$350 per team</td>
</tr>
<tr>
<td>Youth league Sponsor</td>
<td>$1,500 per league (min. 6 teams per league)</td>
</tr>
</tbody>
</table>

#### ATHLETIC FACILITIES

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gym (1 court) per hour</td>
<td>$50 per hour, Class- $25 per hr.</td>
</tr>
<tr>
<td>Gym Tournament (per court)</td>
<td>$300 per day, $600 per day</td>
</tr>
<tr>
<td>Ball Fields (1-bb or 1 soccer)</td>
<td>$20 per hour, $30 per hour</td>
</tr>
<tr>
<td>Ball Fields Tournament (per field)</td>
<td>$100 per day, $200 per day</td>
</tr>
<tr>
<td>Light Fee per field</td>
<td>$10 per hour, $35 Tournament per day</td>
</tr>
<tr>
<td>Hard Court with lights</td>
<td>$10 per hour PC, $20 per hour PC</td>
</tr>
<tr>
<td>Hard Court Tournament</td>
<td>$100.00 per day (Per facility), $200.00 per day (per facility)</td>
</tr>
<tr>
<td>Skate Park Tournament</td>
<td>$100 per day, $200 per day</td>
</tr>
</tbody>
</table>

#### ATHLETIC SERVICES

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tournament Prep (initial chalk, lines, paper products, base painting) per field, Per day</td>
<td>$35</td>
</tr>
<tr>
<td>Rental Field Prep per field</td>
<td>$10 per occurrence</td>
</tr>
<tr>
<td>Athletic Concessionaire (food, decals, photos, etc.) BLDG</td>
<td>$500 per season</td>
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<tr>
<td>Athletic Concessionaire (food, decals, photos, etc.) Cart</td>
<td>$200 per season</td>
</tr>
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<td>Concession Stand (nonprofit)</td>
<td>$100 per day</td>
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<tr>
<td>Temporary Fence Rental per field</td>
<td>$50</td>
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</table>
## LAKESIDE CENTER

<table>
<thead>
<tr>
<th>Service</th>
<th>Weekday Rate per hour</th>
<th>Weekend Rate per hour</th>
<th>Conference Rate (8:30-5:30 weekdays only)</th>
<th>Wedding Package</th>
<th>Lakeside Lawn per hour</th>
<th>Lakeside Concession Per day</th>
<th>Deposit</th>
<th>Alcohol Fee</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$75 whole</td>
<td>$125</td>
<td>$350</td>
<td>$1250</td>
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<td>$200 per day</td>
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## ADULT CENTER

<table>
<thead>
<tr>
<th>Service</th>
<th>A/C Weekday rate per hour</th>
<th>A/C weekend rate per hour</th>
<th>A/C Class Rental Per Hr.</th>
<th>Deposit</th>
<th>Alcohol Fee</th>
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<tbody>
<tr>
<td></td>
<td>$35 ½ building</td>
<td>$70 Whole</td>
<td>$25 ½ building</td>
<td>$100</td>
<td>$75</td>
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</table>

## SPECIAL EVENT FACILITIES

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<thead>
<tr>
<th>Service</th>
<th>Amphitheater per hour</th>
<th>City Center Complex per hour</th>
<th>City Center Circle per hour</th>
<th>City Center Lake per hour</th>
<th>City Hall Plaza and green per hour</th>
<th>Veterans Park per hour</th>
<th>Riverwalk Park per hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$100</td>
<td>$50</td>
<td>$40</td>
<td>$25</td>
<td>$50</td>
<td>$30</td>
<td>$40 $50</td>
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## ADDITIONAL VENUES

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<tr>
<th>Service</th>
<th>Picnic Pavilion per 3 hours Sm/Lg.</th>
<th>Concessionaire Fee per day (based on event)</th>
<th>Exhibitor Fee per day (based on event)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>$50 Sm</td>
<td>$25-$100 NP/NC $500 $100-$500 FP/C</td>
<td>$15-$50 NP/NC $250 $50-$250 FP/C</td>
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### ADDITIONAL FEES

<table>
<thead>
<tr>
<th>Services Supplied by the City</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Electrical Fee for Pedestals</td>
<td>$50.00 @</td>
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<tr>
<td>Trash Cans (Rental Includes Two)</td>
<td>$2.00 @</td>
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<tr>
<td>Barricades</td>
<td>$2.00 @</td>
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<tr>
<td>Police Services</td>
<td>$40.00 per hr.</td>
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<td>VIPS (volunteers in police services)</td>
<td>N/A</td>
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<td>Fire Services- including 1&lt;sup&gt;st&lt;/sup&gt; aid</td>
<td>$55.00 per hr.</td>
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<tr>
<td>Parks, Public Works/ Public Utilities Staff</td>
<td>$25.00 per hr.</td>
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<td>Water Hook Up</td>
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<tr>
<td>Deposit</td>
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<tr>
<td>Additional Part Time staff</td>
<td>$15 per hr.</td>
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<tr>
<td>Cones</td>
<td>$1.00 per cone</td>
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<tr>
<td>Electronic sign board</td>
<td>$65.00 per day</td>
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<tr>
<td><strong>Alcohol Fee</strong></td>
<td><strong>$75</strong></td>
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</tbody>
</table>
MEMORANDUM

To: Michael Johansson, City Manager
From: Susan L. Lovallo, Parks & Recreation Director
Date: December 18, 2018
Subj.: Fees

The Parks and Recreation Department annually reviews all rental and program fees and makes a recommendation to council as to recommended changes. Per city council direction the departments goal is to cover at minimum 30% of total cost of all youth and adult programs. Below is outlined the reason for the proposed changes. Please let me know if you have any questions or concerns.

Exhibit A

**Youth Sports:** Range $25.00-$90.00

**Youth Rookie Sport:** Remove

**Allstar Fee:** Remove the $75.00 All-star fee as this program is no longer offered.

**Open Gym Youth:** Range $1.00-$5.00 Daily and $45.00-$60.00 Annually

**Open Gym Student/Senior:** Range $2.00-$10.00 Daily and $55.00-$70.00 Annually

**Sport Camps:** Range $10.00-$30.00 Per Person

**Open Gym Adult:** Range $3.00-$15.00 Daily and $65.00-$80.00 Annually

**Adult Team Sport (15 game season):** Eliminate

**Adult Team Sport (12 game season):** Remove “12 game season”. We do not want to specify or guarantee any number of games for our adult sports.

**Adult Sports:** Range $30.00-$100.00

**Senior Team Sport (12 game season):** Remove “12 game season”. We do not want to specify or guarantee any number of games for our senior sports.

Exhibit B

**No Changes**

Exhibit C

**Lakeside/Adult Center Alcohol Fee:** Relocate to additional fees in Exhibit D

**City Center Complex Per Hour Per Section:** $50.00

**City Center Circle Per Hour:** Remove

**City Center Lake Per Hour:** Remove

**City Hall Plaza and Green Per Hour:** Remove

**Veterans Park Per Hour:** Remove

**Riverwalk Per Section Per Hour:** $50.00

Exhibit D

**Alcohol Fee:** $75.00
SUBJECT: (B11) Approval of Donation/Exchange Agreement - Port Orange Woodcarver's Club

DEPARTMENT: Parks & Recreation

GOAL:

RECOMMENDED MOTION: Move to approve agreement and authorize the Mayor and City Clerk to execute the associated documents.

SUMMARY: Members of The Port Orange Woodcarver's Club are currently constructing a conference table and will donate it to the city upon completion. The conference table has an estimated value of $5000 including time and materials. The City agrees to grant the club a credit of equal amount which may be used towards the payment of the Port Orange Adult Center rental fees for their annual woodcarving show held each January. The city will also be given approximately 11 14 foot sections of dried live oak to use for additional projects around the city that may be crafted by the club.

This agreement has a term of six (6) years, commencing on October 1, 2018 and continuing until September 20, 2024.

Attached for review is the rental invoice for this years event and the agreement between the city and woodcarvers club. Staff recommends approval

Project No.: Funding Account No.:

Presenter: Susan Lovallo

ATTACHMENTS:

<table>
<thead>
<tr>
<th>#</th>
<th>Attachment Description</th>
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<td>Donation Exchange Agrmt - Woodcarvers - Carleton 11.27.18.pdf</td>
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<tr>
<td>3</td>
<td>Woodcarver's Invoice</td>
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Peter Ferreira       Created/Initiated - 12/18/2018
Susan Lovallo        Approved - 12/18/2018
Lori Bockelman       Approved - 12/21/2018
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<tr>
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<tr>
<td>Matthew Jones</td>
<td>Approved - 12/28/2018</td>
</tr>
<tr>
<td>Jake Johansson</td>
<td>Approved - 12/31/2018</td>
</tr>
<tr>
<td>Robin Fenwick</td>
<td>Final Approval - 01/02/2019</td>
</tr>
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</table>
CITY OF PORT ORANGE
DONATION EXCHANGE TRANSACTION AGREEMENT

THIS AGREEMENT is entered into this ___ day of ____________, 2018 by and between the
CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation, whose principal address is 1000 City
Center Circle, Port Orange, Florida 32129 (the "City") and JOHN CARLETON, both individually and as the
representative of the FRIENDS CARVING CLUB, an organization headquartered in Port Orange, Florida,
comprised of woodcarving enthusiasts (collectively referred to herein as the "Club"). The City and the Club
are hereinafter collectively referred to as the "Parties."

WHEREAS, the Club has an overall objective of providing an organization for woodcarvers in the
community to meet, interact, share tips, and build relationships while developing their artistic talent for
woodcarving; and

WHEREAS, the Club is open to all citizens for a small annual membership fee; and

WHEREAS, the Club has offered to donate time and materials to construct a one-of-a-kind solid
wood conference table for the City; and

WHEREAS, the Club desires to donate the conference table in exchange for credit in equal value
towards the rental fee associated with renting the Port Orange Adult Center facility for its annual wood
carving and craft show; and

WHEREAS, the City Council has determined that this Agreement is in the best interest of the
citizens of Port Orange.

NOW, THEREFORE, the Parties agree as follows:

1. **Term.** The term of this Agreement shall be for a period of six (6) years, commencing on
   October 1, 2018 and continuing until September 30, 2024.
2. **Donation/Exchange.** For and in consideration of the time and materials expended by the Club in order to construct and donate a conference table to the City with an estimated value of Five Thousand and 00/100 Dollars ($5,000.00), the City agrees to grant the Association a credit of equal amount which may be used towards the payment of the Port Orange Adult Center rental fees incurred annually by Club for its one-day Port Orange Wood Carving and Craft Show event held each January. The Club shall be responsible for any increase in rental fees adopted by the City Council. The City shall annually account for the credit amount used toward the Port Orange Adult Center rental fees at the rate established by the City Council pursuant to resolution, as may be amended from time to time. Upon depletion of the credit amount or expiration of this Agreement, whichever occurs first, the City shall invoice the Association for any outstanding fees.

3. **Subject to Acceptance.** The conference table shall be inspected and approved by the City Manager, in his sole discretion. Once accepted by the City Manager, the conference table shall become the exclusive property of the City. If the conference table is not completed prior to the expiration of this Agreement, or is otherwise unacceptable, as determined by the City Manager, the Club shall be responsible for reimbursing the City any and all fees credited in accordance with this Agreement.

4. **Cancellation.** The Parks and Recreation Director shall have the authority to cancel any and all activities to be held at the Port Orange Adult Center due to a bona fide emergency or safety concerns. In the event that the Port Orange Adult Center is closed due to a bona fide emergency or safety concerns, the City shall not be obligated to provide a replacement or substitute facility for Club events to be held.

5. **Termination for Default.** Either party may terminate this Contract, without further obligation, for the default of the other party or its agents or employees with respect to any provision contained herein.

6. **Examination of Records.** The Club agrees that the City, or any duly authorized representative, shall, until the expiration of five (5) years after the termination of this Agreement, have
access to and the right to examine and copy any pertinent books, documents, papers and records of the
Club involving transactions relating to this Agreement. The period of access for records, books, documents
and papers which may relate to any arbitration, litigation, or other settlement of claims arising out of the
performance of this Agreement shall continue until any appeals, arbitration, litigation or claims shall have
been finally disposed of.

7. **Assignability of Agreement.** Neither this Agreement, nor any part hereof, may be assigned
by the Club to any other party without the express written approval of the City Manager.

8. **Contract Administration.** The Parks and Recreation Director shall perform contract
administration of this Contract. For notice provisions, see the paragraph below entitled “Notice.”

9. **Liability for Loss or Damage.** The Club shall be liable for any loss of, or damage to, City
property caused by the negligence, recklessness, or intended wrongful misconduct of Club, his/its agents,
servants and employees and shall indemnify and save the City harmless against all actions, proceedings,
claims, demands, costs, damages and expenses, including attorney's fees, by reason of any suit or action
brought for any actual or alleged injury to or death of any person or damage to property other than City
property, resulting from the performance of this Agreement by the Club, its agents, servants and
employees.

10. **Integration.** This Agreement and any documents incorporated herein by reference shall
constitute the whole agreement between the Parties. There are no promises, terms, conditions or
obligations other than those contained herein, and this Agreement shall supersede all previous
communications, representations, or agreements, written or verbal, between the Parties hereto.

[REMAINDER OF PAGE LEFT BLANK]
11. **Notice.** For the purposes of this Agreement, notices shall be sent as follows:

**City:**
City of Port Orange  
Attention: City Manager  
1000 City Center Circle  
Port Orange, Florida 32129  
(386) 506-5501

**Copy to:**
City of Port Orange  
Attention: Parks and Recreation Director  
1000 City Center Circle  
Port Orange, Florida 32129  
(386) 506-5850

**Club:**
Friends Carving Club  
Attention: John Carleton  
623 Overlook Trail  
Port Orange, FL 32127  
(386) 527-6832

Any notice or other communication given under this Agreement shall be in writing and delivered by hand, sent by facsimile (provided acknowledgement of receipt thereof is delivered to the sender), sent by certified, registered mail, or sent by any nationally recognized overnight courier service to the addresses provided herein. The Parties may, from time to time and at any time, change their respective addresses and each will have the right to specify as its address any other address by at least ten (10) days prior written notice to the other party.

12. **Contract Construction.** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument. The delivery by facsimile or e-mail of an executed copy of this Agreement shall be deemed valid as if an original signature was delivered. No contract shall be formed between the Club and the City until this Agreement is signed by, notarized, and attested to on behalf of each party.

13. **Authority to Sign.** Each party signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to this Agreement.
Witnesses:

JOHN CARLETON, INDIVIDUALLY AND AS REPRESENTATIVE OF FRIENDS CARVING CLUB

Printed Name: John Carleton
Date: 11-27-2018

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 27 day of November, 2018 by John Carleton, individually and as the representative of Friends Carving Club, and who:

[Notary: Please select one]

☑ is personally known to me; or
☐ has produced __________________ as identification.

SANDRA WOODMAN
Notary Public, State of Florida
Commission # CE 13 9008
My Comm. Expires Dec 4, 2021
Bonded through National Notary Assn.

DONATION EXCHANGE AGREEMENT
Witnesses:

Printed Name: ____________________________  City of Port Orange
By: ____________________________

Donald O. Burnette, Mayor

Printed Name: ____________________________
Date: ____________________________

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of ________, 20___, by Donald O. Burnette, as Mayor of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

Notary Public, State of Florida
Printed, typed or stamped name, commission and expiration:

Witnesses:

ATTEST:

Printed Name: ____________________________  By: ____________________________
Robin L. Fenwick, CMC, City Clerk

Printed Name: ____________________________  Date: ____________________________

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of ________, 20___, by Robin L. Fenwick, as City Clerk of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

Notary Public, State of Florida
Printed, typed or stamped name, commission and expiration:

[CA 006669]
RESOLUTION NO. 15-31

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REPLACING AND SUPERSEDEING RESOLUTION 11-5 REGARDING ACCEPTANCE OF DONATIONS; ESTABLISHING POLICY PROVIDING FOR CREDIT FOR CO-SPONSORSHIP GROUPS AND CLUBS IN EXCHANGE FOR PUBLIC IMPROVEMENTS TO RECREATIONAL FACILITIES; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Parks and Recreation Department finds it necessary to establish criteria and guidelines for accepting cash, material, and labor as donations or otherwise; and

WHEREAS, the City Council has decided to give credit for public improvements made to parks and recreation facilities on a dollar-for-dollar basis towards certain parks and recreation fees in order to encourage co-sponsorship groups and clubs to invest in the parks and recreation facilities; and

WHEREAS, the facility improvements shall benefit all parks and recreation programs; and

WHEREAS, Section 50-34 of the City of Port Orange Code of Ordinances provides that the City Council may, by resolution, establish rental fees and charges for recreation facilities and equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1. The City of Port Orange hereby adopts the Parks and Recreation Donation Acceptance and Exchange Agreement Policy, attached as Exhibit "A."
 SECTION 2. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict. This resolution expressly supersedes Resolution 11-5.

 SECTION 3. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

 SECTION 4. This resolution shall become effective immediately upon final passage by the City Council.

MAYOR ALLEN GREEN

ATTEST:
Robin L. Fenwick, CMC, City Clerk

Adopted on the 2 day of June, 2015

Reviewed and Approved: Assist. City Attorney
EXHIBIT “A”

Parks and Recreation Donation Acceptance and Exchange Agreement Policy

The Purpose of this policy is to provide standard procedures for the Parks and Recreation Department to accept and account for donations and exchanges.

Definitions

Cash Donation – Cash given to the City for a specific purpose.

Material Donation – A product or service donated to the City.

Exchange Transaction (Trades) – Cash, material, and/or labor given to the City in exchange for credit towards applicable parks and recreation fees. Trades may be for credit towards applicable fees, sponsorships, recognitions, or services.

Statement of Policy

Applicability

The provisions of this policy apply directly to the Parks and Recreation Department.

Procedure

In accordance with the adopted policy, the City Manager or his designee shall have the authority to accept donations on behalf of the City for use by the Parks and Recreation Department for purposes including, but not limited to, scholarships, fee waivers, park improvements, and sponsorships in a value of $10,000 or less. Any donation that exceeds $10,000 in value or requires an exchange agreement extending beyond one year in duration will require City Council approval.

The Parks and Recreation Director shall maintain a current database of all donations and trades along with the date of acceptance and corresponding values and shall provide the Finance Director with annual updates. Value of items received in trade shall be verified in any reasonable, responsible manner, usually with a reliable, unrelated, third party source. Notice will be provided to the Finance Department immediately upon receipt of capital items identifying: date item received; verified fair value at time of receipt; location of the item to be used in City Operations; defects or contingencies associated with the item, if any; and purpose and intended use of the traded item.

Any co-sponsorship group or club seeking an exchange transaction shall be required to enter into a written agreement with City prepared by the City Attorney’s Office. The agreement shall detail the cash, material and/or labor to be granted to the City in exchange for credit towards applicable parks and recreation fees on a dollar-for-dollar
basis; however, no such agreement shall extend beyond a term of thirty (30) years. The parks and recreation fees in place as of the effective date of the agreement shall not be increased for a period of (5) years, as applied to the group or club entering the agreement. The City Attorney's Office may include such other terms and conditions as are deemed reasonably necessary to protect the City and to comply with federal, state, and local laws.

As required by generally accepted accounting practices, all donations and exchange transactions received will be recorded as revenue. After notification of the donation and/or trade material receipt, the Finance department will prepare a budget resolution to appropriate the revenue and corresponding expense. The Parks and Recreation department will not expend donated funds or provide exchange transactions until the budget appropriation has occurred. For donated cash and materials the Parks and Recreation department will provide a written acknowledgment to the donor.

Annually, the City Manager shall report to the City Council all donations received during the City's fiscal year.
Facility Rental Contract

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<tr>
<td>Use Type</td>
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<td>Description</td>
<td>Annual Woodcarver's Show</td>
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<tr>
<td>Registrar</td>
<td>Kimberly Delgado</td>
</tr>
<tr>
<td>Phone</td>
<td>(386) 524-2334</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:connieteeters48@gmail.com">connieteeters48@gmail.com</a></td>
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Customer
**Friend's of Woodcarving**
Friends Woodcarver's Club
Connie Teeters
2429 E. Lake Dr.
Deland, FL 32724

Rental Information

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<tr>
<th>Location</th>
<th>Total Hours: 8.50</th>
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| Adult Center @ Adult Activity Center | 4790 S. Ridgewood Avenue  
| Port Orange, FL 32127          |                   |

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<th>Date</th>
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<th>Time</th>
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<td>1/13/2019</td>
<td>Sun</td>
<td>7:30 AM - 4:00 PM</td>
<td>Adult Center Hourly Rate Weekend</td>
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<td>(do not use) Special Event Staff Flat Rate</td>
<td>9.00</td>
<td>Each</td>
<td>$15.00</td>
<td>$135.00</td>
<td>$0.00</td>
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</table>

Terms and Conditions:

Terms and conditions apply: Regarding the use of recreational facilities I will be responsible for the facility being clean, orderly; participants will conduct themselves in an orderly manner and that no smoking, no alcohol or intoxicating beverages will be allowed on the premises. I have affirmed that I assume all responsibility and that no claim or demand will be made against the City on account of any accident or injury occurring during the use of the above facility and agree to indemnify and hold the City harmless from any claim, demands or damages on account of such accident or injury during use of above facility.
SUBJECT: (B12) City cost participation request from Edengate Development, LLC for upgrades to Lift Station No. 12 for the purpose of converting the system to a submersible station.

DEPARTMENT: Public Utilities

GOAL: 2 - Infrastructure

RECOMMENDED MOTION: Move to approve City cost participation with Edengate Development, LLC in the amount not to exceed $69,350 for infrastructure improvement to the City of Port Orange Lift Station No. 12 for the purpose of converting the system to a submersible station and to authorize the Mayor and City Clerk to execute all required contract documents as provided by the City Attorney’s office.

SUMMARY: Edengate Development, LLC is in the process of design and permitting of a 288-unit apartment complex located at 1270 Reed Canal Road. The Public Works & Utilities engineering staff have been working with the designers to provide proper utility services. During the initial design review, City staff discussed the conversion of sewerage lift station 12 from suction lift pumps (pumps above ground) to a submersible station (pumps located underground). This will provide more capacity of the system in that entire area and be more aesthetically pleasing to the neighborhood.

The cost for the developer to retrofit the existing station to meet their needs is $110,400. The cost to convert the system to a submersible station is $249,100. The total cost of the improvement is $138,700. This additional cost for conversion ($138,700) would be split between the City and the developer. The engineer’s signed and sealed estimate has been attached for additional information.

The Public Works & Utilities Department requests a cost participation agreement for the improvements to the City’s lift station No 12. The City’s portion of the cost participation will be for an amount not to exceed $69,350.

Project No.: UCP001    Funding Account No.: 405-0401-535.63-97

Presenter: Lynn Stevens

ATTACHMENTS:

<p>| | | |</p>
<table>
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<tr>
<td>2</td>
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<tr>
<td>Name</td>
<td>Action</td>
<td>Date</td>
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<td>12/19/2018</td>
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<td>Richard Colby</td>
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<td>Rick Wilson</td>
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<td>Lori Bockelman</td>
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<td>12/31/2018</td>
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<td>Shannon Balmer</td>
<td>Approved</td>
<td>01/02/2019</td>
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<tr>
<td>Jake Johansson</td>
<td>Approved</td>
<td>01/03/2019</td>
</tr>
<tr>
<td>Robin Fenwick</td>
<td>Final Approval</td>
<td>01/03/2019</td>
</tr>
</tbody>
</table>
December 6, 2018

Lynn Stevens, Public Works & Utility Director
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

Re: Lazul at Crystal Lake
Cost Participation in Infrastructure Improvement Request

Dear Lynn Stevens,

Edengate Development, LLC is planning to construct a 288-unit apartment complex located at 1270 Reed Canal Road, Port Orange, FL 32129. The project requires the existing City of Port Orange Lift Station No. 12 duplex suction lift pumps to be replaced with larger pumps to handle the additional wastewater flow generated from this development. During the engineering review of the lift station improvements; the City requested that the Applicant convert the lift station from the current suction lift pump setup to a proposed submersible grinder pump setup. The Applicant has agreed to convert the lift station to the submersible grinder pump setup. Public Utilities has reviewed the design and has no comments. The cost to construct these improvements is $138,700.00 (see detailed cost estimate attached).

We are requesting cost participation by the City in the amount of $69,350.00 as shown in the “City’s Share” column on the attached detailed cost estimate. We are requesting the participation in the form of a cash reimbursement.

If you have any questions or need additional information, please feel free to call or email me at Harry@Newkirk-Engineering.com.

Sincerely,

NEWKIRK ENGINEERING, INC.

Harry Newkirk, PE No. 62971
CEO of Newkirk Engineering, Inc.
# Engineer's Estimate for Lift Station Fair Share Agreement

**LAZUL AT CRYSTAL LAKE**  
**PORT ORANGE, FL 32129**

## Option 1: Retrofit Existing Sewage Lift Station with Submersible Flygt Pump System

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Unit</th>
<th>Cost per Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install and maintain temporary sewage by-pass</td>
<td>1</td>
<td>LS</td>
<td>$38,100.00</td>
<td>$38,100.00</td>
</tr>
<tr>
<td>Furnish &amp; install submersible pumps, valve vault, control panel, new discharge piping and top slab with hatch utilizing existing wet well</td>
<td>1</td>
<td>LS</td>
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<td>$201,000.00</td>
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<tr>
<td><strong>Subtotal</strong></td>
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<td></td>
<td></td>
<td>$239,100.00</td>
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<tr>
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<td>LS</td>
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<td>$8,000.00</td>
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<tr>
<td>AS-Built survey</td>
<td>1</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>$249,100.00</td>
</tr>
</tbody>
</table>

## Option 2: Retrofit Existing Sewage Lift Station with New Smith & Loveless Pumps

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Unit</th>
<th>Cost per Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install and maintain temporary sewage by-pass</td>
<td>1</td>
<td>LS</td>
<td>$22,400.00</td>
<td>$22,400.00</td>
</tr>
<tr>
<td>Furnish &amp; install new Smith &amp; Loveless pumps, and electrical control panel utilizing existing suction piping, discharge piping and wet well</td>
<td>1</td>
<td>LS</td>
<td>$81,500.00</td>
<td>$81,500.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
<td>$103,900.00</td>
</tr>
<tr>
<td>Engineering</td>
<td>1</td>
<td>LS</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>AS-Built survey</td>
<td>1</td>
<td>LS</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>$110,400.00</td>
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</tbody>
</table>

**Difference Total (Option 1 - Option 2)**  
$138,700.00

**Developer's Share (50% Difference Total)**  
$69,350.00

**City's Share (50% Difference)**  
$69,350.00

---

Harry Newkirk, PE  
Florida Reg. No. 62971  
Newkirk Engineering  
1230 North US Highway 1, Suite 3  
Ormond Beach, FL 32174  
(386) 872-7794
TO: M.H. Johansson, City Manager

THRU: Lynn Stevens, Public Works & Utilities Director
       Julia Wiggins, Business Manager

FROM: Richard A Colby, Project Manager

DATE: December 20, 2018

SUBJECT: Cost Participation Agreement - Edengate Development, LLC.
          Lift Station No 12 Upgrade for Lazul at Crystal Lake

REQUEST:
The Public Works & Utilities Department is requesting City Council approval of a cost
participation agreement with Edengate Development, LLC for sewer system
improvements in the amount not to exceed $69,350.

PURPOSE:
The purpose of the request is to expand the City’s sewer infrastructure in partnership
with development.

CONSIDERATION:
Edengate Development, LLC is in the process of design and permitting of a 288-unit
apartment complex located at 1270 Reed Canal Road. The complex will be called
Lazul at Crystal Lake. The Public Works & Utilities engineering staff have been working
with the designers to provide proper utility services. During the initial design review,
City staff discussed the conversion of sewerage lift station 12 from suction lift pumps
(pumps above ground) to a submersible station (pumps located underground). This will
provide more capacity of the system in that entire area and be more aesthetically
pleasing to the neighborhood.

The developer would have been required to replace the existing pumps to upsize them
as part of construction. The upsized pumps would mean that the wetwell would be at
maximum capacity. While the system could accommodate the Lazul project, it would be
at maximum capacity. Switching the pump style from suction lift to submersible will
enable the system to utilize more of the wetwell and increase the capacity of the
system.
The cost for the developer to retrofit the existing station to meet their needs is $110,400. The cost to convert the system to a submersible station is $249,100. The total cost of the improvement is $138,700. This additional cost for conversion ($138,700) would be split between the City and the developer. The engineer’s estimate has been attached for additional information.

The Public Works & Utilities Department requests a cost participation agreement for the improvements to the City’s lift station No12. The City’s portion of the cost participation will be for an amount not to exceed, $69,350.

**FUNDING:**
City Cost Participation
405 0401 535 6397
Project No UCP001
Budget: $222,608
Actual: $69,350

**RECOMMENDATION:**
The Public Works & Utilities Department recommends City Council approve a cost participation agreement with Edengate Development, LLC for sewer system improvements in the amount not to exceed $69,350.

**ATTACHMENTS:**
   a.) Newkirk Engineering, Inc. – Request Letter dated 12/6/2018
   b.) Engineer’s Estimate for Lift Station Fair Share Agreement
SUBJECT: (B13) Approval of Lease with U.S. Representative Michael Waltz

DEPARTMENT: City Manager

GOAL: N/A

RECOMMENDED MOTION: Move to approve a District Office lease with Representative Michael Waltz for a two year period, ending on January 2, 2021.

SUMMARY: The City currently leases office space in City Hall to our Federal Representative. Due to the election, Michael Waltz will be our new Representative and desires to continue the lease of this office space. Due to the nature of the term, this lease will be from January 3, 2019 (or as soon as executed) through January 2, 2021.

The proposed amount of rent due to the City would remain at $100 per month over the period of the new lease.

Project No.: Funding Account No.: 001-0000-362.00-00

Presenter: Alan Rosen

ATTACHMENTS:


Alan Rosen Created/Initiated - 12/17/2018
Lori Bockelman Approved - 12/19/2018
Margaret Roberts Approved - 12/31/2018
Jake Johansson Approved - 01/02/2019
Robin Fenwick Final Approval - 01/02/2019
Pursuant to 2 U.S.C. § 4313, and the Regulations of the Committee on House Administration (as modified from time to time by Committee Order) relating to office space in home districts, ____________________________ (City of Port Orange)

1000 City Center Circle, Port Orange, FL 32129

(Landlord’s name) ____________________________ (Landlord’s street address, city, state, ZIP code)

(“Lessor”), and ____________________________ (Lessees name), a Member/Member-Elect of the U.S. House of Representatives (“Lessee”), agree as follows:

1. Location. Lessor shall lease to Lessee _______ square feet of office space located at 1000 City Center Circle in the city, state and ZIP code of Port Orange FL. 32129 (Office street address) (Office city, state and ZIP)

2. Lease Amenities. Lessee shall be entitled to receive and Lessor shall be required to provide the amenities agreed to in Section A of the District Office Lease Attachment (“Attachment”) accompanying this Lease.

3. Term. Lessee shall have and hold the leased premises for the period beginning January 3, 2019 and ending January 2, 2021. The term of this District Office Lease (“Lease”) may not exceed two (2) years and may not extend beyond January 2, 2021, which is the end of the constitutional term of the Congress to which the Member is elected.

4. Rent. The monthly rent shall be _______ $100 _______, and is payable in arrears on or before the last day of each calendar month. Rent payable under this Lease shall be prorated on a daily basis for any fraction of a month of occupancy.

5. Early Termination. This Lease may be terminated by either party giving _______ 30 _______ days’ prior written notice to the other party. The commencement date of such termination notice shall be the date such notice is delivered or, if mailed, the date such notice is postmarked.

6. Payments. During the term of this Lease, rent payments under Section 4 of this Lease shall be remitted to the Lessor by the Chief Administrative Officer of the U.S. House of Representatives (the “CAO”) on behalf of the Lessee.

7. District Office Lease Attachment for 116th Congress. The District Office Lease Attachment attached hereto is incorporated herein by reference, and this Lease shall have no force or effect unless and until accompanied by an executed District Office Lease Attachment for the 116th Congress.

8. Counterparts. This Lease may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
9. **Section Headings.** The section headings of this Lease are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

10. **Modifications.** Any amendments, additions or modifications to this Lease inconsistent with Sections 1 through 9 above shall have no force or effect to the extent of such inconsistency.

11. **Other.** Additionally, the Lessor and the Lessee agree to the following:

[Signature page follows.]
IN WITNESS WHEREOF, the parties have duly executed this District Office Lease as of the later date written below by the Lessor or the Lessee.

By: ___________________________
   Lessor Signature
   Name: __________________________
   Title: __________________________
   Date: __________________________

By: ___________________________
   Lessee Signature
   Name: __________________________
   Title: __________________________
   Date: __________________________

This District Office Lease must be accompanied with an executed District Office Lease Attachment.
Section A designates whether the leased space will be the Member/Member-Elect’s flagship (primary) office and sets forth the amenities provided by the Lessor to be included in the Lease. Except as noted below, the amenities listed are not required for all district offices.

To be completed by the Member/Member-elect:

☐ The leased space will serve as my flagship (primary) District Office.
☐ The leased space will NOT serve as my flagship (primary) District Office.

To be completed by the Lessor:

☐ Amenities are separately listed elsewhere in the Lease.
   (The below checklist can be left blank if the above box is checked.)

The Lease includes (please check and complete all that apply):
   (Items marked with an asterisk and in bold are required for ALL district offices for the 116th Congress.)

☐* Broadband and/or Cable Access to the Leased Space (e.g., Comcast, Cox, Verizon, etc.).
   (Check broadband status by entering the leased space address at https://broadbandmap.fcc.gov. The parties should also discuss broadband status.)
☐* Interior Wiring CAT 5e or Better within Leased Space.
☐ Lockable Space for Networking Equipment.
☐ Telephone Service Available.
☐ Parking.
   ☐ Assigned Parking Spaces
   ☑ Unassigned Parking Spaces
   ☐ General Off-Street Parking on an As-Available Basis

☐ Utilities. Includes: ____________________________

☐ Janitorial Services. Frequency: ____________________________

☐ Trash Removal. Frequency: ____________________________

☐ Carpet Cleaning. Frequency: ____________________________

☐ Window Washing. ☐ Window Treatments.

☐ Tenant Alterations Included in Rental Rate.

☐ After Hours Building Access.

☐ Office Furnishings. Includes: ____________________________

☐ Cable TV Accessible. If checked, Included in Rental Rate: ☑ Yes ☐ No

☐ Building Manager. ☐ Onsite ☐ On Call
   Contact Name: ____________________________
   Phone Number: ____________________________
   Email Address: ____________________________

Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515.
Copies may also be faxed to 202-225-6999.
SECTION B
(Additional Terms and Conditions)

1. **Incorporated District Office Lease Attachment.** Lessor (Landlord) and Lessee (Member/Member-Elect of the U.S. House of Representatives) agree that this District Office Lease Attachment ("Attachment") is incorporated into and made part of the Lease ("Lease") and, if applicable, District Office Lease Amendment ("Amendment") to which it is attached.

2. **Performance.** Lessor expressly acknowledges that neither the U.S. House of Representatives (the "House") nor its Officers are liable for the performance of the Lease. Lessor further expressly acknowledges that payments made by the Chief Administrative Officer of the House (the "CAO") to Lessor to satisfy Lessee's rent obligations under the Lease – which payments are made solely on behalf of Lessee in support of his/her official and representational duties as a Member of the House – shall create no legal obligation or liability on the part of the CAO or the House whatsoever. Lessee shall be solely responsible for the performance of the Lease and Lessor expressly agrees to look solely to Lessee for such performance.

3. **Modifications.** Any amendment to the Lease must be in writing and signed by the Lessor and Lessee. Lessor and Lessee also understand and acknowledge that the Administrative Counsel for the CAO ("Administrative Counsel") must review and give approval of any amendment to the Lease prior to its execution.

4. **Compliance with House Rules and Regulations.** Lessor and Lessee understand and acknowledge that the Lease shall not be valid, and the CAO will not authorize the disbursement of funds to the Lessor, until the Administrative Counsel has reviewed the Lease to determine that it complies with the Rules of the House and the Regulations of the Committee on House Administration, and approved the Lease by signing the last page of this Attachment.

5. **Payments.** The Lease is a fixed term lease with monthly installments for which payment is due in arrears on or before the end of each calendar month. In the event of a payment dispute, Lessor agrees to contact the Office of Finance of the House at 202-225-7474 to attempt to resolve the dispute before contacting Lessee.

6. **Void Provisions.** Any provision in the Lease purporting to require the payment of a security deposit shall have no force or effect. Furthermore, any provision in the Lease purporting to vary the dollar amount of the rent specified in the Lease by any cost of living clause, operating expense clause, pro rata expense clause, escalation clause, or any other adjustment or measure during the term of the Lease shall have no force or effect.

7. **Certain Charges.** The parties agree that any charge for default, early termination or cancellation of the Lease which results from actions taken by or on behalf of the Lessee shall be the sole responsibility of the Lessee, and shall not be paid by the CAO on behalf of the Lessee.

8. **Death, Resignation or Removal.** In the event Lessee dies, resigns or is removed from office during the term of the Lease, the Clerk of the House may, at his or her sole option, either: (a)
terminate the Lease by giving thirty (30) days' prior written notice to Lessor; or (b) assume the
obligation of the Lease and continue to occupy the premises for a period not to exceed sixty (60)
days following the certification of the election of the Lessee’s successor. In the event the Clerk
elects to terminate the Lease, the commencement date of such thirty (30) day termination notice
shall be the date such notice is delivered to the Lessor or, if mailed, the date on which such notice
is postmarked.

9. **Term.** The term of the Lease may not exceed the constitutional term of the Congress to which
the Lessee has been elected. The Lease may be signed by the Member-Elect before taking office.
Should the Member-Elect not take office to serve as a Member of the 116th Congress, the Lease
will be considered null and void.

10. **Early Termination.** If either Lessor or Lessee terminates the Lease under the terms of the Lease,
the terminating party agrees to promptly file a copy of any termination notice with the Office of
Finance, U.S. House of Representatives, O’Neill Federal Building, Suite 3100, Attn: Office of
Financial Counseling, Washington, D.C. 20515, and with the Administrative Counsel by e-mail at
leases@mail.house.gov.

11. **Assignments.** Lessor shall not have the right to assign (by operation of law or otherwise) any of
its rights, interests and obligations under the Lease, in whole or in part, without providing thirty
(30) days prior written notice to Lessee, and any such purported assignment without such notice
shall be void. Lessor shall promptly file a copy of any such assignment notice with the
Administrative Counsel by e-mail at leases@mail.house.gov.

12. **Sale or Transfer of Leased Premises.** Lessor shall provide thirty (30) days prior written notice
to Lessee in the event (a) of any sale to a third party of any part of the leased premises, or (b)
Lessor transfers or otherwise disposes of any of the leased premises, and provide documentation
evidencing such sale or transfer in such notice. Lessor shall promptly file a copy of any such sale
or transfer notice with the Administrative Counsel by e-mail at leases@mail.house.gov.

13. **Bankruptcy and Foreclosure.** In the event (a) Lessor is placed in bankruptcy proceedings
(whether voluntarily or involuntarily), (b) the leased premises is foreclosed upon, or (c) of any
similar occurrence, Lessor agrees to promptly notify Lessee in writing. Lessor shall promptly file
a copy of any such notice with the Office of Finance, U.S. House of Representatives, O’Neill
Federal Building, Suite 3100, Attn: Office of Financial Counseling, Washington, D.C. 20515, and
with the Administrative Counsel by e-mail at leases@mail.house.gov.

14. **Estoppel Certificates.** Lessee agrees to sign an estoppel certificate relating to the leased
premises (usually used in instances when the Lessor is selling or refinancing the building) upon
the request of the Lessor. Such an estoppel certificate shall require the review of the
Administrative Counsel, prior to Lessee signing the estoppel certificate. Lessor shall promptly
provide a copy of any such estoppel certificate to the Administrative Counsel by e-mail at
leases@mail.house.gov.
15. **Maintenance of Common Areas.** Lessor agrees to maintain in good order, at its sole expense, all public and common areas of the building including, but not limited to, all sidewalks, parking areas, lobbies, elevators, escalators, entryways, exits, alleys and other like areas.

16. **Maintenance of Structural Components.** Lessor also agrees to maintain in good order, repair or replace as needed, at its sole expense, all structural and other components of the premises including, but not limited to, roofs, ceilings, walls (interior and exterior), floors, windows, doors, foundations, fixtures, and all mechanical, plumbing, electrical and air conditioning/heating systems or equipment (including window air conditioning units provided by the Lessor) serving the premises.

17. **Lessor Liability for Failure to Maintain.** Lessor shall be liable for any damage, either to persons or property, sustained by Lessee or any of his or her employees or guests, caused by Lessor's failure to fulfill its obligations under Sections 15 and 16.

18. **Initial Alterations.** Lessor shall make any initial alterations to the leased premises, as requested by Lessee and subject to Lessor's consent, which shall not be unreasonably withheld. The cost of such initial alterations shall be included in the annual rental rate.

19. **Federal Tort Claims Act.** Lessor agrees that the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80, satisfies any and all obligations on the part of the Lessee to purchase private liability insurance. Lessee shall not be required to provide any certificates of insurance to Lessor.

20. **Limitation of Liability.** Lessor agrees that neither Lessee nor the House nor any of the House's officers or employees will indemnify or hold harmless Lessor against any liability of Lessor to any third party that may arise during or as a result of the Lease or Lessee's tenancy.

21. **Compliance with Laws.** Lessor shall be solely responsible for complying with all applicable permitting and zoning ordinances or requirements, and with all local and state building codes, safety codes and handicap accessibility codes (including the Americans with Disabilities Act), both in the common areas of the building and the leased space of the Lessee.

22. **Electronic Funds Transfer.** Lessor agrees to accept monthly rent payments by Electronic Funds Transfer and agrees to provide the Office of Finance, U.S. House of Representatives, with all banking information necessary to facilitate such payments.

23. **Refunds.** Lessor shall promptly refund to the CAO, without formal demand, any payment made to the Lessor by the CAO for any period for which rent is not owed because the Lease has ended or been terminated.

24. **Conflict.** Should any provision of this Attachment be inconsistent with any provision of the attached Lease or attached Amendment, the provisions of this Attachment shall control, and those inconsistent provisions of the Lease or the Amendment shall have no force and effect to the extent of such inconsistency.
25. **Construction.** Unless the clear meaning requires otherwise, words of feminine, masculine or neuter gender include all other genders and, wherever appropriate, words in the singular include the plural and vice versa.

26. **Fair Market Value.** The Lease or Amendment is entered into at fair market value as the result of a bona fide, arms-length, marketplace transaction. The Lessor and Lessee certify that the parties are not relatives nor have had, or continue to have, a professional or legal relationship (except as a landlord and tenant).

27. **District Certification.** The Lessee certifies that the office space that is the subject of the Lease is located within the district the Lessee was elected to represent unless otherwise authorized by Regulations of the Committee on House Administration.

28. **Counterparts.** This Attachment may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.

29. **Section Headings.** The section headings of this Attachment are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease Attachment as of the later date written below by the Lessor or the Lessee.

<table>
<thead>
<tr>
<th>Print Name of Lessor/Landlord</th>
<th>Print Name of Lessee</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td></td>
</tr>
<tr>
<td>Lessor Signature</td>
<td>Lessee Signature</td>
</tr>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Title:</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Date</td>
</tr>
</tbody>
</table>

From the Member’s Office, who is the point of contact for questions?

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone (________)</th>
<th>E-mail</th>
<th>@mail.house.gov</th>
</tr>
</thead>
</table>

This District Office Lease Attachment and the attached Lease or Amendment have been reviewed and are approved, pursuant to Regulations of the Committee on House Administration.

Signed ________________________________  Date __________, 20__

(Administrative Counsel)

Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515. Copies may also be faxed to 202-225-6999.
SUBJECT: (B14) Approval of Misc. Accounts Receivable Write-Offs

DEPARTMENT: Finance

GOAL:

RECOMMENDED MOTION: Move to approve the write-offs listed in the attachments and authorize the Finance Director to adjust accounts accordingly.

SUMMARY: Staff is requesting approval to write-off the remaining balances on the code enforcement liens listed below. Each property owner applied to the City's Lien Reduction Program for code enforcement liens, set forth in Section 2-226, Code of Ordinances. After review to ensure the criteria set forth in the Code Ordinances has been met, the City approved the reduced amount. Each property owner timely paid the required amount and the liens have been released. Finance requests write-off of the difference between the amount paid and the original outstanding lien amount. The following remaining balances on the liens are requested for write off:

*Case #18-0031 for 5227 Orange Ave. (Cust.# 3107) in the amount of $4,145.28

*Case #14-1616 & #13-1879 for 434 Leslie Dr. (Cust.#2431) in the amount of $4,156.09

*Case #17-1260 for 204 Avon Ct. (Cust. #3076) in the amount of $1,600.00

Project No.: Funding Account No.: 

Presenter:

ATTACHMENTS:

|   | Bad Debt Write-Off as of 12-31-18 for 01-08-19 CC Mtg | Bad Debt Write-Off as of 12-31-18 for 01-08-19 CC Mtg.pdf |

Cherie Cadenhead Created/Initiated - 11/30/2018
Lori Bockelman Approved - 12/21/2018
Shannon Balmer Approved - 12/26/2018
Jake Johansson Approved - 12/26/2018
Robin Fenwick Final Approval - 12/29/2018
Proposed Miscellaneous Receivable Write-off pursuant SOP# COPO G&A 105, Section 5.4

<table>
<thead>
<tr>
<th>Line #</th>
<th>Type</th>
<th>Address</th>
<th>Account Number</th>
<th>Name</th>
<th>Lien Date</th>
<th>Lien Amount</th>
<th>Penalties as of 12/31/2018</th>
<th>Less Payments to Date</th>
<th>Total Balance Proposed for Write Off</th>
<th>Reason for Write Off</th>
</tr>
</thead>
</table>
| 1      | CODE ENFORCEMENT            | 5227 ORANGE AVE  | 3107           | NANCY A. HENDERSON | 8/8/2018  | $5,185.28   | $                           | $(1,040.00)           | $4,145.28                           | Code Enforcement Lien Reduction Program  
Payment of 20% of Code Lien Fine Received 11/19/18  
Release of Lien dated 11/30/2018 |
| 2      | CODE ENFORCEMENT            | 434 LESLIE DRIVE | 2431           | BRIAN SMITH (old owner)  
TOP DOLLAR HOMES LLC (new owner) | 10/23/2014 | $4,354.05   | $500.40        | $825.00               | $4,029.45                           | Code Enforcement Lien Reduction Program  
Payment of 20% of Code Lien Fine Received 11/06/18  
Release of Lien dated 11/30/2018 |
| 3      | CODE ENFORCEMENT            | 204 AVON CT.     | 3076           | JOSEPH & LISA VALLARIO  | 5/8/2018  | $2,013.84   | $33.14                      | $(446.98)             | $1,600.00                           | Code Enforcement Lien Reduction Program  
Payment of Hard Cost Received 11/08/18  
Release of Lien dated 11/30/2018 |
|        | TOTAL:                      |                  |                |              |           |             |                             |                      | $9,901.37                           |                      |
SUBJECT: (C15) Request by Tarik Dalaq from Door Master DBA Overhead Doors of America to waive or reduce a $500 work without permit fee.

DEPARTMENT: Community Development

GOAL: 

RECOMMENDED MOTION: Deny request of waiver and maintain consistency of current ordinance.

SUMMARY: Tarik Dalaq from Door Master DBA Overhead doors of America is requesting the City Council refund a $500 work without permit fee. On October 19, 2018, Code Enforcement cited the contractor for installing a garage door without obtaining a building permit. According to the City Fee Resolution, a $500 penalty fee, in addition to the cost of the building permit $59.00, is to be paid prior to issuance of the building permit. On October 23, 2018, the contractor submitted a building permit to the City but disputed the $500 work without permit fee. On November 7, 2018, Mr. Dalaq paid the $59.00 building permit fee and the $500 work without permit fee in order for the final inspection for the garage door to be scheduled. Mr. Dalaq is requesting the City Council refund the $500 work without permit fee.

According to the contractor, it was an “honest mistake” by his company for not getting a permit before the garage door was replaced. He stated that the work was related to an emergency garage door repair and the mistake occurred in his office when the installers were sent to the address prior to him signing off on the work. According to the contractor, if the paperwork came across his desk, a permit would have been submitted prior to the repair work being completed.

ATTACHMENTS:

Melanie Schmotzer Created/Initiated - 12/19/2018
Tim Burman Approved - 12/20/2018
Jake Johansson Approved - 12/20/2018
Robin Fenwick Final Approval - 12/21/2018
REQUESTED COUNCIL MEETING DATE 01/08/2019

Consent item: No

SUBJECT: (E16a) Short Term Rental Resolution Discussion

DEPARTMENT: City Clerk

GOAL:

RECOMMENDED MOTION:

SUMMARY: Ponce Inlet has requested that sister cities consider the adoption of a resolution to oppose any state legislation which further erodes the local zoning authority of municipalities in regard to short-term rentals in residential zoning districts, and to express support for legislation that restores the local zoning authority that was preempted by the State Legislature in 2011. The Town of Ponce Inlet is specifically calling upon Representative Tom Leek to introduce a bill that would accomplish this, and they are asking for the Port Orange Council to do the same. Ponce Inlet has requested that Port Orange adopt a resolution that opposes any state legislation that erodes the municipalities home rule.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

1. Ponce Inlet Request  Ponce request.pdf

Robin Fenwick Created/Initiated - 12/05/2018
Jake Johansson Approved - 12/05/2018
Robin Fenwick Final Approval - 12/06/2018
November 28, 2018

Mayor Don Burnette  
City of Port Orange  
1000 City Center Circle  
Port Orange, FL 32129-4144

Dear Mayor Burnette,

The purpose of this letter is to request that your municipality consider the adoption of a resolution to oppose any state legislation which further erodes the local zoning authority of municipalities in regard to short-term rentals in residential zoning districts, and to express support for legislation that restores the local zoning authority that was preempted by the State Legislature in 2011. The Town of Ponce Inlet is specifically calling upon Representative Tom Leek to introduce a bill that would accomplish this, and we ask that you do the same.

It has been disturbing for years to watch the continued direction of proposed legislation that puts the rights of those who buy properties for commercial gain above those who choose to make an area their home. I’ve enclosed a copy of Ponce Inlet Resolution 2018-15. It includes information within the Whereas clauses related to the Community Planning Act, along with information on the importance of comprehensive planning and municipal zoning regulations. I hope you will read it and give this matter due consideration. I ask that you also share it with your fellow council members.

While short-term rental legislation may or may not currently be a topic of concern in your community, I’m sure you can appreciate that we need to stand together in support of the protection of home rule for this and other topics as they arise. The Florida League of Cities has identified this topic as one of the most egregious preemption bills on the Legislative slate.

Our town manager has sent a Microsoft Word version of this resolution to your city manager for easier preparation. We hope that we can count on your support!

Sincerely,

[Signature]

Gary L. Smith  
Mayor

cc: Ponce Inlet Town Council

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The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens the greatest value for their dollar.
TO:        Jeaneen Witt, Town Manager
FROM:      Lois Paritsky, Council Member Seat No.5
DATED:     November 5, 2018
RE:        Short Term Vacation Rentals

A review of recent legislative activity suggests that at the next legislative session, bills that pre-empt local authority on short term vacation rentals will be filed.

Fifty years of home rule was celebrated at the 2018 Florida League of Cities Annual Conference. Referenced as one of the more egregious preemption bills in the League’s 2018 Legislative Issue Briefs is the “Florida Vacation Rental Act” SB 1400, which preempts regulation of vacation rentals. The Florida League of Cities Issue Brief on Short Term Rentals (attached) provides the background of the Florida Legislature’s attempt at regulating short term rentals.

The proposed Resolution supports legislation that restores local zoning authority and opposes any legislation that preempts municipal authority to regulate short term rental properties. Without home rule powers of local government, communities are powerless to adapt to changes that impact their neighborhoods, local economy, growth and environment.

If passed, this Resolution ensures adequate time for consideration by other municipalities of this particular issue before the upcoming legislative session and expresses the local elected officials’ rejection of the State legislature’s continuous attempts to erode home rule.
Short-Term Rentals

Priority Statement:
The Florida League of Cities SUPPORTS legislation that restores local zoning authority with respect to short-term rental properties thereby preserving the integrity of Florida’s neighborhoods and communities. The Florida League of Cities OPPOSES legislation that preempts municipal authority as it relates to the regulation of short-term vacation rental properties.

Background:
In 2011, the Florida Legislature prohibited cities from regulating short-term vacation rentals. 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. The legislation passed in 2011 included a provision that “grandfathered” any ordinance regulating short-term rentals prior to June 1, 2011. Since that time, a number of cities, both “grandfathered” cities and those that did not have an ordinance in place, have experienced problems with these properties. The effect of the 2011 law is that two separate classes of cities were created respective to short-term rentals, those with Home Rule authority and those without.

In 2014, the Legislature passed SB 356 (Thrasher), which diminished the preemption on short-term rentals. The 2014 law allows local governments to adopt ordinances specific to these rentals so that they can address some of the noise, parking, trash and life-safety issues created by their proliferation in residential neighborhoods. Unfortunately, SB 356 left in place existing statutory language stating that cities cannot “prohibit” short-term rentals, or regulate the duration or frequency of the rental.

Those cities fortunate enough to have had an ordinance in place prior to the 2011 preemption are still allowed to regulate short-term rentals, but the question remains whether these ordinances will continue to be valid if amended. Some city attorneys believe these ordinances are “frozen” and any future amendments would cause a loss of the “grandfather.” The problem with this is twofold. First, with the rise of popular rental websites like Vacation Rental by Owner (VRBO) and AirBnB making it easier to advertise and rent these properties, the number of properties used as short-term rentals in Florida has exponentially increased in the last four years. Second, as a result of this enormous growth in the rental market, the scope of the problem has changed and ordinances adopted before 2011 may no longer be effective.

It is important to note that many of Florida’s larger cities (with a larger professional staff) fell into the grandfathered category. They have retained the ability to regulate these properties through zoning and may have duration and frequency requirements. Some of these cities may want to amend their ordinances to adjust to a changing problem. They are reluctant to do so out of fear of losing their existing ordinance and with it their Home Rule authority relating to short-term rentals. Recognizing that the ordinances on the books are no longer effective, cities want the ability to come up with solutions that work for their respective community, but because of the potential loss of the “grandfather,” they are unable to do so. It is important to note that any potential amendments to existing ordinances would be vetted through numerous public hearings that allow neighboring communities to comment.

Contact: Casey Cook, Senior Legislative Advocate
homeowners, short-term rental owners, property managers and local businesses to weigh in on proposed legislation.

Cities without short-term rental regulations in place prior to June 1, 2011, have had their zoning authority stripped and are now seeing these rentals completely overtaking residential neighborhoods. Long-time residents are moving out as a result, and the residential character of traditional neighborhoods is slowly being destroyed.

The impacts of problematic short-term rentals on neighboring residents are felt in a number of ways:

The Hotel Next Door – Commercial Activity in Residential Neighborhoods
Houses that sleep 26 people are now present in what were once traditional neighborhoods. Because of the inability to regulate the duration of a renter’s stay, these houses could experience weekly, daily or even hourly turnover. Obviously, the constant turnover of renters creates a number of issues for cities and neighboring property owners. Prior to the preemption, local governments were able to regulate this activity through zoning. Short-term rentals have become increasingly popular in the last five years. Because a city cannot “prohibit” these properties, they are powerless to exclude them from residential neighborhoods. As a result, investors, many of whom are located out of state or even in a different country, have purchased or built single-family homes with the sole intent of turning them into short-term rentals.

Cities use zoning as a tool to prepare for their future growth and also use it to control where commercial and residential properties are located. Hotels have different infrastructure needs than single-family residential properties. As residential neighborhoods are developed, the infrastructure installed is designed for the future use of the properties. Many neighborhoods have infrastructure in place with capacity for up to eight people per house. Now there are houses in these very same neighborhoods that sleep more people than the number originally planned for, placing a significant strain on existing infrastructure. Commercial properties like bars, hotels and restaurants typically need more parking than a single-family property, as well as have different operating hours and experience greater noise levels. The current law removes important land use and zoning tools that will impact how a city plans for future growth and levels of service.

Noise Complaints
In areas where short-term rentals are situated, many neighboring residents complain of the noise generated by the vacationing renters next door. When people go on vacation, often their behavior changes. They may stay awake later, consume more alcoholic beverages throughout the day, or participate in recreational activities that they would not participate in while at their own homes, such as swimming at midnight with music blaring. For those homes located near water, a lake or the ocean, it is important to note that sound travels easily over water — and residents located hundreds of yards away may be the ones calling and complaining to the police and their local elected officials.

Some cities have noise ordinances, but these have proved problematic to enforce. One such example is Lighthouse Point. Their ordinance requires sustained noise over a certain decibel threshold for 10 minutes. Many times after the police arrive at a residence, the noise dies down. These renters may leave the next day with new ones replacing them. The new renters are often

Contact: Casey Coos, Senior Legislative Advocate
unaware of the noise ordinance or past complaints and may cause the same problems. The out-of-state property owner may not even be aware of the problems created by their renters and with the constant turnover. The problem ends as one renter leaves and begins again as new renters arrive. This causes a significant drain on law enforcement resources. When law enforcement officers are called to respond to noise complaints, one less officer is on the street either preventing or solving crimes.

Parking
Many short-term rentals are located in single-family neighborhoods. In most cases, the driveway was built to accommodate two or three vehicles. When you now have a renovated house that acts as a small hotel, there will be more than three cars needed to get these renters to the property. This leads to cars that are parked on the street, making it difficult for emergency vehicles to respond to emergencies and causes increased response times in these neighborhoods. Cities have begun to adopt ordinances creating parking standards for short-term rental properties. Unfortunately, these ordinances only solve the parking issue, but fail to address any of the other issues created by this commercial activity in residential areas.

Revenue Issues
As stated earlier, a property rented more than three times a year for less than 30 days at a time meets the vacation rental definition and should be licensed by the state. The Department of Business and Professional Regulation (DBPR) is tasked with investigating unlicensed vacation rentals, but lacks the resources needed to fully investigate every complaint. Unlicensed vacation rentals could be costing Florida millions of dollars each year from lost licensing revenue.

Licensed short-term vacation rentals and hotels are also required to charge a sales tax to renters and then remit this back to the state. Many licensed and unlicensed vacation rentals are not doing this. The Florida Department of Revenue (DOR) has limited resources and cannot adequately monitor these transactions costing the state millions of dollars in lost revenue. Similarly, short-term rental owners in some counties are required to collect and remit the tourist development tax to the state. DOR is often unable to track down the vacation rental owners that are not paying the tourist development tax.

The Legislature began the conversation on short-term rentals in 2014, and the Florida League of Cities supported both HB 307 (Hutson) and SB 356 (Thrasher). The bills were a step in the right direction, but only partially restored Home Rule to Florida’s cities. Cities are still prevented from regulating the duration and frequency of the rentals, and local zoning does not apply to these properties. Without the ability to regulate these key areas, local governments will not be able to adequately address the problem’s associated with these properties.

Status:
There have been a number of different bills filed relating to short-term, vacation rentals.

The League opposes the following bills:

**HB 773** (La Rosa) prohibits cities from establishing ordinances specific to short-term vacation rentals. Instead, the law would require that all residential properties be treated the same, regardless of whether the property is being used as a rental or not. HB 773 would allow cities with vacation

**Contact:** Casey Coos, Senior Legislative Advocate
rental ordinances in place prior to June 1, 2011, to amend their ordinance, but only if the amendment makes the regulation of vacation rentals less restrictive. HB 773 is in its first committee of reference, the House Government Accountability Committee.

CS/CN/SB 1400 (Steube), titled the Florida Vacation Rental Act, preempts all regulation of vacation rentals to the state. The bill:

- Creates a section preempting all licensing of vacation rentals to the state.
- Requires a state license application to contain the operator’s emergency contact number.
- Allows a temporary state license to be issued and allows vacation rental to begin use while the application is pending.
- Allows the Division of Hotels and Restaurants to fine, suspend or revoke the license of any vacation rental when the advertisement for the vacation rental does not display the vacation rental license number.
- Regulates multiple unit vacation rentals. When five or more vacation rentals in multifamily dwellings are under common ownership and are rented out more than 180 days per year, such rental is subject to additional requirements, including biannual inspections.
- Defines a vacation rental as any unit in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to guests for periods of less than 30 days but that is not a timeshare project.
- Requires the division to make the vacation rental license information available to the public, and allows local governments to use this license information for informational purposes only.
- Grandfathers local ordinances adopted on or before June 1, 2011 and allows “grandfathered” cities to amend as long as they are less restrictive.
- Sets maximum occupancy limits for vacation rentals.

The League supports:

SB 1640 (Simmons), is a comprehensive proposal providing more state oversight over short-term rentals, while also allowing for additional local regulation in certain circumstances. The bill requires vacation rentals to be licensed with the state and that certain licensing information be included in any advertisements or listings. The bill establishes penalties for failing to display this information. The bill defines “commercial vacation rental” as a property managed by one licensed agent under a single license for five or more vacation rental units or is part of five or more vacation rental units under common ownership, control or management. The bill establishes higher regulatory standards for commercial vacation rentals than non-commercial vacation rentals. The bill defines “hosting platform” and requires state registration and the payment of a registration fee of no more than $1,000. The bill establishes biannual inspection requirements for commercial vacation rentals. The bill preserves ordinances in place prior to June 1, 2011, and allows for these ordinances to be amended if the amendment is less restrictive. The bill allows for local government regulations specific to vacation rentals that are in single-family residences where the owner is not personally occupying at least a portion of the residence where vacation rental activities are occurring. Vacation rental owners are required to submit a copy of their vacation rental license, a copy of the certificate of registration with the Department of Revenue, and the owner’s emergency contact information to the city. The bill prohibits a city from charging a fee for the submission of this information and specifies that it is for informational purposes only. Finally, the bill requires hosting platforms to maintain records listing each transient public lodging establishment that it serves, the name of the

Contact: Casey Coos, Senior Legislative Advocate
operator, the transient public lodging establishment's license number and physical address, each period of rental reserved through the platform, and the itemized amounts collected from the guest by the platform for the rental, taxes and all other charges. These records must be maintained by the hosting platform for a period of three years and must be transmitted to the Department of Business and Professional Regulation (DBPR) every three months in an electronic format. The bill authorizes DBPR to fine a hosting platform for failure to comply with these provisions. Fine amounts cannot exceed $1,000 per offense.

HB 789 (Stevenson) requires each person operating a short-term vacation rental to display a valid certificate of registration number in each rental listing or advertisement. The bill establishes a $50 per day fine for first-time violators. Repeat offenders are subject to a $100 per day fine for noncompliance. HB 789 is in the House Careers and Competition Committee.

Revised: 2/16/2018

Address: 107 N. Monroe St., Suite 503, Tallahassee, FL 32301
Phone: 850-245-5500
Fax: 850-488-1263
Email: casco[at]leg.state.fl.us
Website: CapitolMedia.com
Contact: Casey Cook, Senior Legislative Advocate
RESOLUTION NO. 2018-15

A RESOLUTION OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, SUPPORTING LEGISLATION THAT RESTORES LOCAL ZONING AUTHORITY REGARDING SHORT-TERM VACATION RENTALS IN SINGLE-FAMILY AND MULTIFAMILY RESIDENTIAL ZONING DISTRICTS; OPPOSING ALL STATE LEGISLATION THAT FURTHER ERODES MUNICIPAL AUTHORITY TO PROTECT SINGLE-FAMILY AND MULTIFAMILY RESIDENTIAL ZONING DISTRICTS FROM TOURIST ACTIVITY; PROVIDING DIRECTION TO THE TOWN MANAGER ON DISTRIBUTION OF RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2011, the Florida Legislature prohibited local governments from regulating short-term vacation rentals (short-term vacation rental being defined as a property that is rented more than three times per year for less than thirty days); and

WHEREAS, the 2011 legislation “grandfathered” local government regulations passed prior to the 2011 legislation, but prevented local governments from amending such regulations without sacrificing the regulation’s “grandfathered” status; and

WHEREAS, in 2014, in recognition of the noise, parking, trash, and life-safety impacts that can occur because of short-term vacation rental activity, the Florida Legislature amended its 2011 legislation to allow some local regulation, but continued to prohibit local governments from prohibiting short-term rentals in residential neighborhoods; and

WHEREAS, while the Town of Ponce Inlet appreciates the 2014 Florida Legislature recognizing short-term vacation rentals in residential areas as a problem to communities and subsequently providing local governments with limited authority to address some of the adverse impacts caused by this activity, the Town continues to maintain that short-term vacation rentals are an incompatible land use within otherwise stable residential neighborhoods, and that local governments should not have to bear a disproportionate cost to police this activity; and

WHEREAS, as demonstrated by Florida’s long-standing Community Planning Act, the State of Florida has wisely recognized the need for and importance of comprehensive planning and the establishment of appropriate zoning requirements by each local government, in compliance with each local government’s adopted comprehensive plan; and

WHEREAS, zoning is an important land use tool utilized by local governments to regulate current and future growth and maintain community character in a manner consistent with their adopted comprehensive plans; and
WHEREAS, current short-term vacation rental legislation disregards the important statewide function of the Community Planning Act by allowing tourist activity in all zoning districts; and

WHEREAS, according to the Florida League of Cities, local governments are seeing short-term vacation rentals overtake residential neighborhoods, causing long-term residents to move and thereby destroying the stable residential character of such neighborhoods; and

WHEREAS, the current legislation has prioritized commercial gain for investors (who may not actually live in the areas impacted by short-term vacation rentals) over the rights of Florida residents; and

WHEREAS, a more balanced approach is needed to ensure Florida residents can live, work, and raise their families in stable communities.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, THAT:

SECTION 1. The Town Council urges the Florida Legislature to amend the current legislation regarding short-term vacation rentals to allow local governments to protect the residential character of single-family and multifamily residential zoning districts and to amend the current legislation regarding short-term vacation rentals to allow local governments with “grandfathered” ordinances to amend their current regulations to better address this matter in their communities without losing their “grandfathered” status, so long as these amendments are limited to single-family and multifamily zoning districts.

SECTION 2. The Town Council opposes any state legislation which further erodes municipal authority to protect single-family and multifamily residential zoning districts from tourist activity.

SECTION 3. The Town Council directs the Town Manager to send a copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Volusia State Legislative Delegation, the Florida League of Cities, the Volusia League of Cities, the Volusia County Chair, and all municipal mayors in Volusia County.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

It was moved by Councilmember Paritsky and seconded by Vice-Mayor Hoss that this Resolution shall be adopted. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1 Yes
Councilmember Milano, Seat #2 Yes
Vice-Mayor Hoss, Seat #3 Yes
Councilmember Perrone, Seat #4 Yes

Resolution 2018-15
Page 2 of 3
Councilmember Paritsky, Seat #5       Yes

Adopted this 15th day of November, 2018.

ATTEST:

Jeaneen Witt, CMC
town Manager/Town Clerk

Town of Ponce Inlet, Florida

Gary L. Smith, Mayor
SUBJECT: (G18) Second Reading - Ordinance No. 2018-35 - Annexation/All Aboard Storage - Taylor Road

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Ordinance No. 2018-35, to annex approximately ±3.8-acres, along with the adjacent Taylor Road right-of-way, into the City of Port Orange.

SUMMARY: The proposed annexation request is to annex ±3.8-acres along with a portion of the adjacent Taylor Road right-of-way into the city. The subject property is located on the south side of Taylor Road, across from Crane Lake Mobile Home Community and includes two parcels (parcels 6224-00-00-0051 and 6224-00-00-0080). If approved, the applicant intends to submit development application to change the Future Land Use and Zoning of the property to City designations with the intent of developing this parcel together with property to the north as self-storage facility.

Various City Departments, including Fire and Rescue, Public Utilities, Finance, Public Works, and Parks and Recreation have reviewed the annexation request and based on the impact analysis there is adequate capacity to accommodate the proposed annexation.

Project No.: Funding Account No.: 

Presenter:

ATTACHMENTS:

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<td>ORD NO 2018-35 WITH EXHIBITS</td>
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<td>Staff Report</td>
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Penelope Cruz Created/Initiated - 12/11/2018
Robin Fenwick Final Approval - 12/24/2018
ORDINANCE NO. 2018-35

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING THE FOLLOWING PARCELS: 6224-00-00-0051 AND 6224-00-00-0080, MADE UP OF APPROXIMATELY ±3.8 ACRES OF PROPERTY ALONG WITH THE ADJACENT TAYLOR ROAD RIGHT-OF-WAY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of real property in an unincorporated area of Volusia County, Florida, contiguous to the boundary of the City of Port Orange and reasonably compact, has petitioned the governing body of the City of Port Orange that said property be annexed to and become part of Port Orange, Florida; and

WHEREAS, the City Council of the City of Port Orange, Florida, has determined that the petition is a bona fide request by the owner of real property in the area proposed to be annexed; and

WHEREAS, the City Council of the City of Port Orange, Florida, finds that it is in the best interest of the citizens of the City of Port Orange to annex said territory into the corporate limits of the City of Port Orange; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange hereby annexes the parcels of land described on Exhibit "A", attached hereto and incorporated herein by reference, being in the County of Volusia and contiguous to the boundary lines of the City of Port Orange into the City of Port Orange and said parcels shall be subject to the jurisdiction, obligations, benefits and privileges of the City of Port Orange.

Section 2. The boundary lines of the City of Port Orange are hereby changed and
redefined, including the annexed land described land described in Exhibit “B”.

Section 3. Upon approval at first reading, the City Clerk is hereby directed to publish Notice of Annexation as required by Section 171.044(2), Florida Statutes (2017), at least once each week for two (2) consecutive weeks in a newspaper of general circulation in the City of Port Orange or Volusia County and to provide a copy of said notice via certified mail to the Volusia County Council.

Section 4. Within seven (7) days, after adoption of this ordinance, the City Clerk is directed to file the original of said ordinance with the Clerk of the Circuit Court and the chief administrative officer of Volusia County and the Department of State.

Section 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 7. This ordinance shall become effective as provided by general law.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading this    day of

Passed and adopted on second and final reading this    day of

Reviewed and Approved:     Shannon K. Balmer, Assistant City Attorney

Case No. 18-10000004
CA6380
Exhibit A

Legal Description

PARCEL 6224-00-00-0051 (OFFICIAL RECORDS BOOK 7591, PAGE 4721):
A PART OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM A REFERENCE POINT BEING THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST, RUN N010°51'00"W, ALONG THE EAST LINE OF SAID SECTION 24, FOR A DISTANCE OF 1630.80 FEET TO THE NORTHEAST CORNER OF THE SOUTHERLY 325 FEET OF THE NORTHEAST ONE QUARTER (NE1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION SAID SECTION 24 AND THE POINT OF BEGINNING.
FROM THE POINT OF BEGINNING AND DEPARTING SAID EAST LINE, RUN N89°27'24"W, ALONG THE AFORESMENTIONED NORTH LINE, A DISTANCE OF 745.48 FEET TO THE EAST LINE OF THE DESCRIPTIVE RIGHT OF WAY FOR TAYLOR ROAD, AS RECORDED IN RIGHT OF WAY MAP BOOK 1, PAGE 46 OF THE PUBLIC RECORDS OF SAID VOLUSIA COUNTY. THENCE, ALONG SAID LINE N32°45'15"E A DISTANCE OF 7.44 FEET; THENCE, CONTINUING ALONG SAID LINE, N38°27'31"E A DISTANCE OF 5.29 FEET; THENCE, DEPARTING SAID LINE, N87°14'45"E A DISTANCE OF 737.95 FEET; THENCE S01°07'11"E A DISTANCE OF 52.93 FEET TO THE POINT OF BEGINNING.
CONTAINING AN AREA OF 23,425 SQUARE FEET; OR 0.538 ACRES OF LAND, MORE OR LESS.

PARCEL 6224-00-00-0080 (OFFICIAL RECORDS BOOK 7591, PAGE 3259):

THE ABOVE DESCRIBED PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A PART OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM A REFERENCE POINT BEING THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST, RUN N010°51'00"W, ALONG THE EAST LINE OF SAID SECTION 24, FOR A DISTANCE OF 1425.73 FEET TO THE SOUTHEAST CORNER OF THE NORTHERLY 175 FEET OF THE SOUTHERLY 325 FEET OF THE NORTHEAST ONE QUARTER (NE1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION SAID SECTION 24 AND THE POINT OF BEGINNING; THENCE N89°27'24"W, ALONG THE SOUTH LINE OF SAID NORTHERLY 175 FEET, 889.07 FEET TO THE EAST LINE OF THE DESCRIPTIVE RIGHT OF WAY FOR TAYLOR ROAD, AS RECORDED IN VOLUSIA COUNTY RIGHT OF WAY MAP BOOK 1, PAGES 40-46 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY; THENCE ALONG SAID EASTERLY DESCRIPTIVE RIGHT OF WAY LINE N38°27'31"E, 30.58 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE N44°48'00"E, 100.50 FEET; THENCE ALONG SAID RIGHT OF WAY LINE N32°45'15"E, 93.17 FEET; THENCE ALONG SAID RIGHT OF WAY LINE N32°45'15"E 7.44 FEET; THENCE ALONG SAID RIGHT OF WAY LINE, N38°27'31"E, 5.29 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE N87°14'45"E, 737.95 FEET; THENCE S01°07'11"E, 228.00 FEET TO THE POINT OF BEGINNING.
CONTAINING AN AREA OF 3.799 ACRES OF LAND, MORE OR LESS.

TOGETHER WITH

A PORTION OF TAYLOR ROAD, A DESCRIPTIVE RIGHT OF WAY, AS SHOWN ON VOLUSIA COUNTY RIGHT OF WAY MAP AS RECORDED IN RIGHT OF WAY MAP BOOK 1, PAGES 40-46 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHERLY 175 FEET OF THE SOUTHERLY 325 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST, WITH THE EASTERLY RIGHT OF WAY LINE OF SAID TAYLOR ROAD DESCRIPTIVE RIGHT OF WAY; THENCE WESTERLY ALONG THE WESTERLY PROJECTION OF SAID SOUTH LINE TO THE WESTERLY RIGHT OF WAY LINE OF SAID TAYLOR ROAD DESCRIPTIVE RIGHT OF WAY; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE EASTERLY LINE OF PARCEL 6224-01-00-0010 AND BEING THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 3619, PAGE 1288, SAID PUBLIC RECORDS; THENCE SOUTHERLY ALONG THE SOUTHERLY PROJECTION OF SAID EASTERLY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SAID TAYLOR ROAD DESCRIPTIVE RIGHT OF WAY, THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE NORTHERLY LINE OF THAT PARCEL DEEDED TO THE COUNTY OF VOLUSIA AS DESCRIBED IN OFFICIAL RECORDS BOOK 7231, PAGE 833, SAID PUBLIC RECORDS; THENCE EASTERLY ALONG SAID NORTHERLY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SAID PARCEL; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO THE SOUTHERLY LINE OF SAID PARCEL; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO THE EASTERLY RIGHT OF WAY LINE OF TAYLOR ROAD DESCRIPTIVE RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.
LEGAL DESCRIPTION FOR THE CITY LIMITS OF PORT ORANGE, FLORIDA (PREPARED BY SLIGER & ASSOCIATES, INC.) (LAST REVISED NOVEMBER 27, 2018)
ALL THAT PARCEL OF LAND BEING A PORTION OF:

TOWNSHIP 16 SOUTH, RANGE 33 EAST; TOWNSHIP 15 SOUTH, RANGE 33 EAST; TOWNSHIP 15 SOUTH, RANGE 32 EAST; TOWNSHIP 16 SOUTH, RANGE 32 EAST; AND TOWNSHIP 17 SOUTH, RANGE 33 EAST; BEING LOCATED WITHIN THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, PUBLIC LAND SURVEYS IN THE STATE OF FLORIDA;

THEN SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 3, TO THE SOUTHERLY LINE OF THE FOLLOWING DESCRIBED PROPERTY, AS RECORDED IN OFFICIAL RECORDS BOOK 1890, PAGE 0911, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA:

((O.R.B. 1890, PAGE 0911) LOT 4, SUB. OF U.S. GOVERNMENT LOT 1, IN SECTION 34, TOWNSHIP 15 SOUTH, RANGE 33 EAST, AS LAYS WESTERLY OF U.S. HIGHWAY #1, AS RECORDED IN MAP BOOK 3, PAGE 136, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; ALSO PART OF GOVERNMENT LOT 1, LYING NORTH OF DOUGHERTY CANAL AND WEST OF U.S. HIGHWAY #1, SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 OF SAID SUBDIVISION IN SECTION 34, TOWNSHIP 15 SOUTH, RANGE 33 EAST, AND/OR THE NORTHWEST CORNER OF SAID LOT 1 IN SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, RUN THENCE S0°06'30"E, ALONG SAID WEST LINE OF LOT 1, SECTION 3, A DISTANCE OF 409.1 FEET TO A POINT THEREIN; THENCE N64°58'03"E, A DISTANCE OF 867.30 FEET TO A POINT IN THE WESTERLY LINE OF THE 100 FOOT RIGHT-OF-WAY OF U.S. HIGHWAY #1, AS NOW OCCUPIED AND ESTABLISHED; THENCE N21°23'44"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 488.6 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF LOT 5, A SUB. OF LOT 1, SECTION 34, TOWNSHIP 15 SOUTH, RANGE 33 EAST, AFORESAID, THENCE S60°39'46"W ALONG SAID NORTH LINE OF LOT 5, A DISTANCE OF 696.93 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S0°17'00"W, ALONG THE WEST LINE TO LOT 5, A DISTANCE OF 72.0 FEET TO THE POINT OF BEGINNING, CONTAINING 8.69 ACRES.)

THEN NORTHEASTERLY ALONG SAID SOUTHERLY LINE, TO A POINT IN THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY #1 (RIDGEWOOD AVENUE);

THEN EASTERLY TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY #1 WITH THE SOUTHERLY LINE OF THE NORTHERLY 20 FEET OF LOT 3, MARY ROUTH SMITH SUBDIVISION, AS RECORDED IN MAP BOOK 6, PAGE 53, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THEN EASTERLY ALONG THE SOUTHERLY LINE OF THE NORTHERLY 20 FEET OF SAID LOT 3 TO THE EASTERLY LINE OF THE WESTERLY 175 FEET OF THE NORTHERLY 20 FEET OF SAID LOT 3;

THEN NORHERLY ALONG THE EASTERLY LINE OF SAID WESTERLY 175 FEET TO THE SOUTHERLY LINE OF RIVERLAND PARK, AS RECORDED IN MAP BOOK 9, PAGE 10, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THEN EASTERLY ALONG THE SOUTHERLY LINE OF SAID RIVERLAND PARK TO THE WESTERLY LINE OF THE EASTERLY 132.5 FEET OF SAID LOT 3;
THENCE SOUTHERLY ALONG SAID WESTERLY LINE, TO THE SOUTHERLY LINE OF THE NORTHERLY 80 FEET OF SAID LOT 3;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF THE NORTHERLY 80 FEET, TO THE MEAN HIGH WATER LINE ON THE WESTERLY SHORE OF THE HALIFAX RIVER;

THENCE EASTERLY ACROSS SAID HALIFAX RIVER, TO THE SOUTHWEST CORNER OF LOT 21, RIVERVIEW SUBDIVISION ADDITION NO. 1, AS RECORDED IN MAP BOOK 19, PAGE 210, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE EASTERLY ALONG THE SOUTHEASTERN 80 FEET OF SAID LOT 21 AND THE EASTERLY PROLONGATION THEREOF, TO THE SOUTHWEST CORNER OF LOT 34, SAID RIVERVIEW SUBDIVISION, ADDITION NO. 1;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 34, TO THE NORTH LINE OF SAID LOT 34;

THENCE EASTERLY ALONG SAID NORTH LINE OF LOT 34, TO THE EAST LINE OF SAID LOT 34;

THENCE SOUTHERLY ALONG SAID EAST LINE OF LOT 34, TO THE SOUTH LINE OF SAID RIVERVIEW SUBDIVISION, ADDITION NO. 1;

THENCE EASTERLY ALONG SAID SOUTH LINE OF RIVERVIEW SUBDIVISION ADDITION NO. 1, AND THE EASTERLY PROLONGATION THEREOF, TO THE EASTERLY RIGHT OF WAY LINE OF SOUTH PENINSULA DRIVE;

THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SOUTH PENINSULA DRIVE, TO THE NORTHEAST CORNER OF LOT 21, BLOCK F, VAN VALZAH SUBDIVISION, AS RECORDED IN MAP BOOK 15, PAGE 64, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 21, TO THE EAST LINE OF SAID LOT 21;

THENCE SOUTHERLY ALONG SAID EAST LINE OF LOT 21 AND THE EAST LINE OF LOTS 16-20, SAID BLOCK F, TO THE SOUTH LINE OF SAID LOT 16;

THENCE WESTERLY ALONG SAID SOUTH LINE OF LOT 16, TO SAID EASTERLY RIGHT OF WAY LINE OF SOUTH PENINSULA DRIVE;

THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SOUTH PENINSULA DRIVE TO THE NORTHERLY LINE OF THE SOUTHERLY 40 FEET OF THE NORTHERLY 640 FEET OF WINTHROP HOLDING CORPORATION’S RESUBDIVISION, PER MAP RECORDED IN MAP BOOK 11, PAGE 107, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE EASTERLY ALONG SAID NORTHERLY LINE OF THE SOUTHERLY 40 FEET OF THE NORTHERLY 640 FEET, TO THE EASTERLY LINE OF SAID WINTHROP HOLDING CORPORATION’S RESUBDIVISION;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF WINTHROP HOLDING CORPORATION’S RESUBDIVISION, TO THE SOUTHERLY LINE OF THE NORTHERLY 740 FEET OF SAID WINTHROP HOLDING CORPORATION’S RESUBDIVISION;
THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF THE NORTHERLY 740 FEET AND THE WESTERLY PROLONGATION THEREOF, TO SAID MEAN HIGH WATER LINE ON THE EASTERLY SHORE OF THE HALIFAX RIVER;

THENCE SOUTHERLY ALONG SAID MEAN HIGH WATER LINE, TO THE INTERSECTION WITH THE FOLLOWING DESCRIBED LINE OR THE WESTERLY PROLONGATION THEREOF, PER SAID HOUSE BILL NO. 1911;

((HOUSE BILL NO. 1911) BEGIN AT A CONCRETE MONUMENT ON THE SOUTH LINE OF FLEMING AVENUE AS SHOWN ON THE PLAT OF MARY C. FLEMING SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 100, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID MONUMENT BEING 765.45 FEET EASTERLY, AS MEASURED ALONG SAID SOUTH LINE OF FLEMING AVENUE, FROM THE WEST LINE OF RIDGEWOOD AVENUE, A 100 FOOT STREET AS SHOWN ON THE PLAT OF NORWOOD, AS RECORDED IN MAP BOOK 5, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE EASTERLY ACROSS THE HALIFAX RIVER IN A STRAIGHT LINE, TO A POINT ON THE NORTH LINE OF SECTION 11, TOWNSHIP 16 SOUTH, RANGE 33 EAST, SAID POINT BEING 1196.25 FEET WESTERLY, AS MEASURED ALONG SAID NORTH LINE OF SECTION 11, FROM THE NORTHEAST CORNER OF SAID SECTION 11, SAID POINT BEING THE END OF SAID DESCRIBED LINE);

THENCE WESTERLY ALONG SAID DESCRIBED LINE, TO THE EASTERLY LINE OF THE INTRACOASTAL WATERWAY;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF THE INTRACOASTAL WATERWAY, TO THE NORTHERLY LINE OF THE CORPORATE LIMITS OF THE TOWN OF PONCE INLET;

THENCE WESTERLY ALONG SAID NORTHERLY LINE OF THE CORPORATE LIMITS, TO THE WESTERLY MEAN HIGH WATER LINE OF THE HALIFAX RIVER;

THENCE SOUTHERLY ALONG THE WESTERLY MEAN HIGH WATER LINE OF THE HALIFAX RIVER TO THE NORTHERLY MEAN HIGH WATERLINE OF ROSE BAY;

THENCE WESTERLY ALONG SAID NORTHERLY MEAN HIGH WATERLINE, TO A POINT THAT IS 300 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY;

THENCE, PARALLEL WITH SAID EAST RIGHT OF WAY LINE, SOUTHERLY, TO THE NORTHERLY LINE OF THE PALMAS GRANT, BEING SECTION 38, TOWNSHIP 16 SOUTH RANGE 33 EAST;

THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID PALMAS GRANT, TO THE WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY;

THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, TO THE NORTHERLY MEAN HIGH WATER LINE OF STRICKLAND BAY (SPRUCE CREEK);

THENCE WESTERLY ALONG THE NORTHERLY MEAN HIGH WATER LINE OF SAID STRICKLAND BAY, TO THE WESTERLY LINE OF SAID PALMAS GRANT;

THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PALMAS GRANT, TO THE SOUTH LINE OF SECTION 27, TOWNSHIP 16 SOUTH, RANGE 33 EAST;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 27, TO THE WEST LINE OF SPRUCE CREEK ROAD;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SPRUCE CREEK ROAD PARALLEL WITH THE WEST LINE OF SECTION 34, TOWNSHIP 16 SOUTH, RANGE 33 EAST, TO A POINT ON A LINE, SAID LINE BEING PERPENDICULAR TO THE WEST LINE OF SECTION 34 AND 205 FEET SOUTHERLY OF, AS MEASURED ALONG SAID WEST LINE FROM THE NORTHWEST CORNER THEREOF;

THENCE EASTERLY ALONG SAID PERPENDICULAR LINE, TO SAID WEST LINE OF SECTION 34;

THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF SAID PERPENDICULAR LINE A DISTANCE OF 200 FEET;

THENCE NORTHERLY, PARALLEL WITH SAID WEST LINE OF SECTION 34, TO THE NORTH LINE OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST;

THENCE WESTERLY ALONG SAID NORTH LINE OF SECTION 33, TO THE EAST LINE OF THE W 1/2 OF THE NE 1/4 OF SAID SECTION 33;

THENCE SOUTHERLY ALONG SAID EAST LINE OF THE W 1/2 OF THE NE 1/4, TO THE NORTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 33;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, TO THE NORTH LINE OF THE S 1/2 OF THE SE 1/4 OF SAID SECTION 33;

THENCE EASTERLY ALONG SAID NORTH LINE OF THE S 1/2 OF THE SE 1/4, TO THE EAST LINE OF SAID SECTION 33;

THENCE SOUTHERLY ALONG SAID EAST LINE OF SECTION 33, TO THE SOUTH LINE OF SAID SECTION 33;

THENCE WESTERLY ALONG SAID SOUTH LINE OF SECTION 33, TO THE EAST LINE OF THE W 1/2 OF SECTION 4, TOWNSHIP 17 SOUTH, RANGE 33 EAST;

THENCE SOUTHERLY ALONG SAID EAST LINE OF THE W 1/2 OF SECTION 4, TO THE NORTH LINE OF THE SOUTHERLY 578 FEET OF THE NW 1/4 OF SAID SECTION 4;

THENCE WESTERLY ALONG SAID NORTH LINE OF THE SOUTHERLY 578 FEET, TO THE WEST LINE OF THE EASTERLY 176 FEET OF SAID NW 1/4;

THENCE SOUTHERLY ALONG SAID WEST LINE OF THE EASTERLY 176 FEET, TO THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 4;

THENCE EASTERLY ALONG SAID SOUTH LINE OF THE NW 1/4, TO THE EAST LINE OF THE SW 1/4 OF SAID SECTION 4;

THENCE SOUTHERLY ALONG THE EAST LINE OF THE SW 1/4 OF SAID SECTION 4, TO THE SOUTHEAST CORNER THEREOF;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF THE NW 1/4 OF SECTION 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, TO THE NORTHERLY LINE OF SR 40-A (AKA PIONEER TRAIL);
THENCE WESTERLY ALONG SAID NORTHERLY LINE OF SR 40-A, TO THE WEST LINE OF LOT 3, 2ND SUBDIVISION OF ABBOTT FARMS, AS RECORDED IN MAP BOOK 8, PAGE 134, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE NORTHERLY ALONG SAID WEST LINE OF LOT 3, TO THE SOUTHWEST CORNER OF LOT 18, SAID 2ND SUBDIVISION OF ABBOTT FARMS;

THENCE NORTHERLY ALONG SAID WEST LINE OF LOT 18, TO THE SOUTH LINE OF THE NORTH 827 FEET OF LOT 19;

THENCE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH 827 FEET AND ALONG THE SOUTH LINE OF LOT 20, SAID 2ND SUBDIVISION OF ABBOTT FARMS, TO THE WEST LINE OF SAID LOT 20;

THENCE NORTHERLY ALONG SAID WEST LINE OF LOT 20, TO THE SOUTH LINE OF THE NW 1/4, SECTION 6, TOWNSHIP 17 SOUTH, RANGE 33 EAST;

THENCE WESTERLY ALONG THE SOUTH LINE OF SAID NW 1/4, TO THE WEST LINE OF THE SE 1/4 OF THE NW 1/4 SAID SECTION 6;

THENCE NORTHERLY ALONG SAID WEST LINE OF THE SE 1/4 OF THE NW 1/4 OF SECTION 6, TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, SAID SECTION 6;

THENCE WESTERLY ALONG SAID SOUTH LINE OF THE SW 1/4 OF THE NW 1/4, TO THE EAST LINE OF THE WEST 256.00 FEET OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 6;

THENCE IN A NORTHERLY DIRECTION ALONG SAID EAST LINE OF THE WEST 256.00 FEET TO THE SOUTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 6, SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF WATERS EDGE, PHASE V, AS RECORDED IN MAP BOOK 47, PAGES 117-120 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE IN A WESTERLY DIRECTION ALONG SAID SOUTH LINE OF WATERS EDGE, PHASE V, 181.27 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AIRPORT ROAD, A 50 FOOT RIGHT OF WAY AS NOW LAI AND IN USE;

THENCE SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE TO THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 6;

THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, WESTERLY ALONG SAID SOUTH LINE OF THE NW 1/4 OF SAID SECTION 6 TO THE WEST RIGHT OF WAY LINE OF AIRPORT ROAD;

THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY LINE, TO THE SOUTH LINE OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 33 EAST;

THENCE WESTERLY ALONG SAID SOUTH LINE OF SECTION 31, TO THE WEST LINE OF SAID SECTION 31;

THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 31, TO THE SOUTH LINE OF THE NORTH 1710 FEET OF THE S 3/4 OF THE SE 1/4 OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST;


THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTH 420 FEET TO THE WEST LINE OF SAID SECTION 31;

THENCE NORTHERLY ALONG SAID WEST LINE OF THE SE 1/4 OF SECTION 31, TO THE NORTHERLY RIGHT OF WAY LINE OF AIRPORT ROAD, A 100 FOOT RIGHT-OF-WAY, RECORDED IN OFFICIAL RECORDS BOOK 3048, PAGE 514, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

((O.R.B. 3048, PAGE 514) A PORTION OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 31, RUN S89°59'54"W ALONG THE NORTH LINE OF SAID SECTION 31 A DISTANCE OF 50.01 FEET TO THE CENTERLINE OF PROPOSED AIRPORT ROAD, A 100.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING: THENCE DEPARTING SAID NORTH LINE OF SAID SECTION 31, RUN ALONG SAID CENTERLINE THE FOLLOWING COURSES AND DISTANCES; S00°59'39"E, PARALLEL WITH THE EAST LINE OF SAID SECTION 31 A DISTANCE OF 423.69 FEET TO THE P.C. OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 1400.00 FEET AND A CENTRAL ANGLE OF 38°40'52"; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 945.16 FEET; THENCE S57°41'13"W A DISTANCE OF 1852.57 FEET TO THE P.C. OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 1400.00 FEET AND A CENTRAL ANGEL OF 51°21'59"; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1255.12 FEET; THENCE S89°03'12"W A DISTANCE OF 2666.46 FEET TO THE WEST LINE OF SAID SECTION 31, AND THE TERMINATION OF SAID CENTERLINE, THE RIGHT-OF-WAY LINES OF SAID AIRPORT ROAD TO LENGTHEN OR SHORTEN TO INTERSECT WITH THE NORTH AND WEST LINES OF SAID SECTION 31);

THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, TO THE BOUNDARY OF SABAL CREEK P.U.D., PHASE I, AS RECORDED IN MAP BOOK 44, PAGES 167-170, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE ALONG SAID BOUNDARY OF SABAL CREEK P.U.D., PHASE I, WESTERLY, SOUTHERLY AND NORTHERLY, TO THE SOUTHERLY MOST CORNER OF SABAL CREEK P.U.D., PHASE III, AS RECORDED IN MAP BOOK 45, PAGES 169 AND 170, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;


THENCE WESTERLY AND NORTHERLY ALONG THE BOUNDARY OF SAID THE SANCTUARY ON SPRUCE CREEK, PHASE IIB, TO THE BOUNDARY OF SPRUCE CREEK SUBDIVISION UNIT II B, AS RECORDED IN PLAT BOOK 38, PAGES 56-59, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;
THENCE NORTHERLY ALONG THE BOUNDARY OF SAID SPRUCE CREEK SUBDIVISION, UNIT II B, TO THE BOUNDARY OF SPRUCE CREEK SUBDIVISION UNIT II C, AS RECORDED IN PLAT BOOK 40, PAGES 79-81, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE NORTHERLY ALONG THE BOUNDARY OF SAID SPRUCE CREEK SUBDIVISION UNIT II C, TO THE BOUNDARY OF FLY-IN SPRUCE CREEK, INC. SUBDIVISION, AS RECORDED IN PLAT BOOK 33, PAGES 103-108 IN PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE NORTHERLY ALONG THE BOUNDARY OF SAID FLY-IN SPRUCE CREEK, INC. SUBDIVISION, TO THE CENTER LINE OF SPRUCE CREEK;

THENCE EASTERLY ALONG THE CENTER LINE OF SAID SPRUCE CREEK, TO THE WEST LINE OF THE EAST 1/2 OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 33 EAST;

THENCE NORTHERLY ALONG SAID WEST LINE OF THE EAST 1/2 OF SECTION 30, TO THE NORTHWEST CORNER THEREOF;

THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 30 TO THE WEST LINE OF THE EAST 683.71 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 30;

THENCE SOUTHERLY ALONG THE WEST LINE OF THE EAST 683.71 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 30 TO THE MEAN HIGH WATER LINE OF THE NORTHERLY SHORE LINE OF SPRUCE CREEK;

THENCE WESTERLY ALONG SAID MEAN HIGH WATER LINE TO THE EAST LINE OF THE WESTERLY 825 OF SAID SECTION 30;

THENCE NORTHERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF THE NORTHERLY 1000 FEET OF SAID SECTION 30;

THENCE EASTERLY ALONG SAID SOUTH LINE TO THE EAST LINE OF THE WEST 925 FEET OF SAID SECTION 30;

THENCE NORTHERLY ALONG SAID EAST LINE TO THE NORTH LINE OF SAID SECTION 30;

THENCE WESTERLY ALONG SAID NORTH LINE TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 30;

THENCE SOUTHERLY ALONG SAID EAST LINE TO THE MEAN HIGH WATER LINE OF THE NORTH SHORE OF SPRUCE CREEK;

THENCE WESTERLY ALONG SAID MEAN HIGH WATER LINE TO THE WEST LINE OF SAID SECTION 30 AND THE EAST LINE OF THE FOLLOWING DESCRIBED PROPERTY, AS RECORDED IN OFFICIAL RECORDS BOOK 4823, PAGE 1318 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

AND WESTERLY ALONG THE NORTHERLY SHORE LINE OF SAID SPRUCE CREEK TO AN INTERSECTION WITH A LINE THAT BEARS S04°31'03"W OF THE SOUTHWEST CORNER OF LOT 7 OF SAID R. L. LEFFMAN'S HOMESTEAD; THENCE N04°31'03"E, 1625 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE S86°38'33"E ALONG THE SOUTH LINE OF SAID R. L. LEFFMAN'S HOMESTEAD 664.75 FEET; THENCE N04°06'44"E 380.26 FEET; THENCE N87°00'44"W 981.56 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF OCCUPIED TAYLOR ROAD; THENCE N30°08'14"E ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID TAYLOR ROAD 44.95 FEET; THENCE S87°00'44"E 1406.14 FEET, THENCE N04°06'44"E 698.24 FEET; THENCE N87°00'44"W 999.285 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID TAYLOR ROAD AS OCCUPIED; THENCE N44°10'51"E ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID TAYLOR ROAD 264.34 FEET TO THE WEST LINE OF SECTION 19, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N04°06'44"E ALONG THE SAID WEST LINE OF SECTION 19 145.36 FEET; THENCE S85°44'44"E 1313.42 FEET; THENCE N03°50'56"E 1341.70 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S85°19'42"E 326.83 FEET; THENCE S03°46'57"W 1339.235 FEET; THENCE S85°44'44"E 328.36 FEET; THENCE S03°42'57"W 668.39 FEET; THENCE S85°57'39"E 658.25 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S03°34'54"W ALONG THE SAID EAST LINE 665.93 FEET TO THE SOUTH LINE OF SAID SECTION 19; THENCE N89°10'30"W 2639.195 FEET TO THE CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE S03°35'41.5"E ALONG THE EAST LINE OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST 113.775 FEET TO THE CONCRETE MONUMENT AND THE POINT OF BEGINNING.

ALSO

LANDS LYING SOUTHERLY OF THE NORTH BANK OF SPRUCE CREEK AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL THREE: ALL THAT PART OF THE SE ¼, NE ¼, SECTION TWENTY FIVE (25), TOWNSHIP SIXTEEN (16) SOUTH, RANGE THIRTY-TWO (32) EAST, LYING AND BEING SOUTH AND EAST OF SPRUCE CREEK, EXCEPT SO MUCH THEREOF AS WAS TRANSFERRED IN FEE TO THE UNITED STATES OF AMERICA BY JUDGMENT IN CASE NO. 574-J CIVIL IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, AS THE SAME APPEARS IN FOREIGN JUDGMENT BOOK 3, PAGE 322, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL FOUR: ALL THAT PART OF THE WEST ¼, NE ¼, SECTION TWENTY-FIVE (25), TOWNSHIP SIXTEEN (16) SOUTH, RANGE THIRTY-TWO (32) EAST, LYING AND BEING SOUTH OF SPRUCE CREEK EXCEPT SO MUCH THEREOF AS WAS TRANSFERRED IN FEE TO THE UNITED STATES OF AMERICA BY JUDGMENT IN CASE NO. 574-J CIVIL IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, AS THE SAME APPEARS IN FOREIGN JUDGMENT BOOK 3, PAGE 322, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

THE EXCEPTED PORTION OF PARCELS THREE AND FOUR ABOVE ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE MONUMENT ON THE NORTH LINE OF THE NE ¼ OF THE SW ¼ OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, SAID POINT BEING LOCATED N49°40'40"E, 2088.72 FEET FROM A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF A TRACT OF LAND OWNED BY BELLE MURRAY AND BENNIE L. GRIFFIN; THENCE N89°01'30"E, ALONG THE NORTH LINE OF THE SOUTH ½ OF SAID SECTION 25, 1218.44 FEET TO A CONCRETE MONUMENT LOCATED AT THE TOP OF THE BLUFF OF THE EAST SIDE OF SPRUCE CREEK SWAMP FOR A PLACE OF BEGINNING; THENCE FROM SAID PLACE OF BEGINNING ALONG THE TOP OF THE BLUFF THE FOLLOWING COURSES AND DISTANCES: N00°59'20"W, 220.07 FEET TO A CONCRETE MONUMENT; N62°26'20"E, 300 FEET TO A CONCRETE MONUMENT; N54°33'00"E, 690 FEET TO A CONCRETE MONUMENT.
N59°56'40"E, 320 FEET TO A CONCRETE MONUMENT; N80°57'00"E, 285 FEET TO A CONCRETE MONUMENT; N60°28'30"E, 366.58 FEET TO A CONCRETE MONUMENT ON THE EAST BOUNDARY OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, SAID POINT BEING LOCATED S00°31'50"W, 206.82 FEET FROM THE NORTHEAST CORNER OF THE SE ¼ OF THE NE ¼ OF SAID SECTION 25; THENCE SOUTH ALONG THE EAST LINE OF THE NE ¼ OF SECTION 25 TO THE SOUTHEAST CORNER OF THE NE ¼ OF SECTION 25; THENCE WESTWARDLY ALONG THE SOUTH LINE OF THE NE ¼ OF SECTION 25 TO THE PLACE OF BEGINNING),

THENCE SOUTHERLY, SOUTHWESTERLY, NORTHEASTERLY AND NORTHERLY ALONG THE BOUNDARY LINES OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 4823, PAGE 1318, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TO THE SOUTHWEST CORNER OF LOT 7, R. L. LEFFMAN’S HOMESTEAD AS RECORDED IN MAP BOOK 3, PAGE 56, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE SOUTH LINE OF LOT 7, RESUBDIVISION OF A PART OF THE LIVINGSTON HOMESTEAD AS RECORDED IN MAP BOOK 10, PAGE 240, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE WESTERLY ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 7, RESUBDIVISION OF A PART OF THE LIVINGSTON HOMESTEAD; THENCE WESTERLY TO THE WESTERLY RIGHT OF WAY LINE OF TAYLOR ROAD AT ITS INTERSECTION WITH THE SOUTH LINE OF THE SOUTHE4AST ¼ OF SAID SECTION 24;

THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE SOUTH LINE OF THE LANDS DESCRIBED IN THE CITY OF PORT ORANGE, FLORIDA ANNEXATION ORDINANCE NUMBER 1998-80 AND DESCRIBED AS FOLLOWS,

((ORDINANCE NO. 1998-80) LEGAL DESCRIPTION:
THE EAST ½ OF THE SOUTHWEST ¼, TOWNSHIP 16, RANGE 32, SECTION 24, VOLUSIA COUNTY, FLORIDA AND THE NORTH 413.51 FEET MEASURED ON AND WEST OF ENTERPRISE ROAD OF LOT 3 AND THE NORTH 313.50 FEET MEASURED TO THE WEST LINE OF LOT 4 BEING 1524.43 FEET ON THE NORTH LINE AND 1254.78 FEET ON THE SOUTH LNE EXCEPTING THE TRIANGLE IN THE NORTHEAST CORNER PER OFFICIAL RECORD BOOK 1307, PAGE 83, BEING 296.79 FEET ON NORTH LINE AND 196.59 FEET ON ROAD PER OFFICIAL RECORD BOOK 275, PAGE 296, SUBDIVISION OF SOUTH ½ OF SOUTHEAST ¼ PER OFFICIAL RECORD BOOK 1709, PAGE 1430, AS RECORDED IN THE OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA.

ALSO DESCRIBED AS (O.R. BOOK 3078, PAGE 321), EASTERLY ½ OF THE SW 1/4 OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST, AND A PART OF LOTS 3 AND 4, OF ASSESSORS SUBDIVISION OF R.L. LEFFMAN’S HOMESTEAD AS PER MAP IN MAP BOOK 3, PAGE 56 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEING AT THE NORTHWEST CORNER OF SAID LOT 4, RUNNING THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOTS 4 AND 3, A DISTANCE OF 1524.43 FEET TO A POINT IN THE WESTERLY LINE OF ENTERPRISE ROAD (A 60 FOOT ROAD AS NOW LAID OUT AND USED) THENCE SOUTH 40 DEGREES, 42 MINUTES WEST ALONG THE WESTERLY LINE OF SAID ENTERPRISE ROAD, A DISTANCE OF 413.51 FEET TO A POINT, THENCE WESTERLY AND PARALLEL TO THE NORTHERLY LINE OF SAID LOTS 3 AND 4, A DISTANCE OF 1254.78 FEET TO A POINT IN THE WESTERLY LINE OF SAID LOT 4, THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 313.5 FEET TO THE PLACE OF BEGINNING, EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 3 WITH THE WESTERLY LINE OF WEST HERBERT STREET (FORMERLY CALLED ENTERPRISE ROAD) (A 60 FOOT RIGHT OF WAY) THENCE SOUTH 88 DEGREES 55 MINUTES WEST 296.79 FEET, THENCE SOUTH 49 DEGREES 36 MINUTES 08 SECONDS FAST, 224.11 FEET TO A POINT IN THE WESTERLY LINE OF SAID HERBERT STREET, THENCE NORTH 39 DEGREES 53 MINUTES FAST ALONG THE
WESTERLY LINE OF SAID WEST HERBERT STREET 196.59 FEET TO THE POINT OF BEGINNING,
BEING ALSO KNOWN AS THAT PORTION OF SAID LOTS 3 AND 4, AFOREMENTIONED LYING
EASTERLY OF THE EAST LINE OF THE 30 FOOT WIDE GAS COMPANY RIGHT OF WAY EASEMENT
AND WASTERLY OF THE WEST LINE OF SAID WEST HERBERT STREET. SAID PARCEL CONTAINS
0.586 ACRES.)

THENCE WASTERLY ALONG SAID SOUTH LINE OF THE LANDS DESCRIBED IN THE CITY OF
PORT ORANGE, FLORIDA ANNEXATION ORDINANCE NUMBER 1998-80 BOUNDARY, TO THE
WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST;

THENCE SOUTHERLY ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID
SOUTHEAST 1/4, SECTION 24;

THENCE WASTERLY ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24
to the SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SOUTHWEST 1/4;

THENCE NORTHERLY, ALONG THE WEST LINE OF THE EAST 1/2 OF THE WEST 1/2 OF SAID
SECTION 24 TO THE SOUTH LINE OF THE PROPERTYRecorded in Official Records
BOOK 4748, PAGE 685 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND
DESCRIBED AS FOLLOWS:

((O.R.B. 4748, PAGE 685) “ATLANTIS ANNEXATION DESCRIPTION”
A PORTION OF SECTIONS 13 AND 14, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY,
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION
18, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N89°50'24"W, 2767.32 FEET TO A 1" IRON
PIPE MARKING THE OCCUPIED SOUTH ¼ CORNER OF SAID SECTION 13; THENCE S89°29'27"W,
976.06 FEET TO THE CENTERLINE OF A 30 FOOT WIDE FLORIDA GAS TRANSMISSION COMPANY
RIGHT-OF-WAY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 669, PAGE 1, OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID POINT BEING N89°29'27"E, 1776.42
FEET FROM A ½" IRON PIPE MARKING THE OCCUPIED SOUTHWEST CORNER OF SAID
SECTION 13, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE S89°29'27"W,
1776.42 FEET TO SAID ½" IRON PIPE AND THE EAST LINE OF SAID SECTION 14; THENCE
S00°35'19"E ALONG SAID EAST LINE, 190.60 FEET TO A 2" IRON PIPE MARKING THE
SOUTHEAST CORNER OF SAID SECTION 14; THENCE S88°57'50"W ALONG THE NORTH LINE OF
LOTS 1, 16 AND 17, TOMOKA FARMS SUBDIVISION, AS RECORDED IN MAP BOOK 6, PAGE 192,
SAID PUBLIC RECORDS, AND THE EASTERLY PROJECTION THEREOF, 2595.68 FEET TO THE
EASTERLY LINE OF TOMOKA FARMS ROAD, A PRESCRIPTIVE RIGHT-OF-WAY, AS RECORDED IN
ROAD BOOK 1, PAGE 28, SAID PUBLIC RECORDS; THENCE N16°05'55"W ALONG SAID EASTERLY
LINE, 833.38 FEET; THENCE N10°03'16"W ALONG SAID EASTERLY LINE, 22.61 FEET; THENCE
N06°44'38"W ALONG SAID EASTERLY LINE, 224.69 FEET; THENCE N05°25'37"W ALONG SAID
EASTERLY LINE, 434.02 FEET; THENCE N05°30'20"W ALONG SAID EASTERLY LINE, 480.00 FEET;
THENCE N05°48'41"W ALONG SAID EASTERLY LINE, 480.00 FEET; THENCE N06°23'48"W ALONG
SAID EASTERLY LINE, 201.86 FEET TO THE SOUTH LINE OF THE UN-NAMED 50 FOOT ROAD
RIGHT-OF-WAY BETWEEN BLOCK NO. 2 AND BLOCK NO. 3 AS SHOWN ON PLAT NUMBER ONE
OF CRAIG FARMS, AS RECORDED IN MAP BOOK 11, PAGE 89, SAID PUBLIC RECORDS; THENCE
N89°27'37"E ALONG SAID SOUTH LINE, 1715.79 FEET TO THE WEST LINE OF THAT PORTION OF
SAID UN-NAMED ROAD VACATED BY VOLUSIA COUNTY RESOLUTION NO. 94-238, AS
RECORDED IN OFFICIAL RECORDS BOOK 3954, PAGE 415, VACATING CERTAIN PORTIONS OF
SAID PLAT NUMBER ONE OF CRAIG FARMS; THENCE N00°31'39"W ALONG SAID WEST LINE
AND ALONG THE EAST LINE OF LOT 16 AND LOT 7, BLOCK NO. 3, SAID PLAT NUMBER ONE
OF CRAIG FARMS, 777.67 FEET; THENCE DEPART SAID EAST LINE N68°48'49"E, 1575.99 FEET;
THENCE N47°36'36"E, 1656.79 FEET; THENCE S43°19'32"E, 1735.09 FEET TO A LINE DEFINING
THE CITY LIMITS OF THE CITY OF PORT ORANGE, FLORIDA PER CITY OF PORT ORANGE,
FLORIDA ORDINANCE NO. 1990-35 AS RECORDED IN OFFICIAL RECORDS BOOK 3553, PAGE 0588, SAID PUBLIC RECORDS; THENCE S47°03'35"W ALONG SAID CITY LIMITS, 349.39 FEET; THENCE S52°27'22"W ALONG SAID CITY LIMITS, 2478.68 FEET TO THE CENTERLINE OF SAID 30 FOOT WIDE FLORIDA GAS TRANSMISSION COMPANY RIGHT-OF-WAY EASEMENT; THENCE S35°57'16"E ALONG SAID CENTERLINE AND ALONG SAID CITY LIMITS, 607.14 FEET; THENCE S35°48'24"E ALONG SAID CENTERLINE AND ALONG SAID CITY LIMITS, 1733.39 FEET; THENCE S28°29'28"E ALONG SAID CENTERLINE AND ALONG SAID CITY LIMITS, 172.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 364.35 ACRES, MORE OR LESS);

THENCE WESTERLY, SOUTHERLY, AND WESTERLY, ALONG THE SOUTHERLY PROPERTY LINE OF AFORESAID “ATLANTIS ANNEXATION DESCRIPTION” TO THE EASTERLY RIGHT OF WAY LINE OF TOMOKA FARMS ROAD AS RECORDED IN ROAD BOOK 1, PAGE 28 OF THE OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE NORTH LINE OF LOT 2, BLOCK 3, PLAT NO. 1, CRAIG FARMS AS RECORDED IN MAP BOOK 11, PAGE 89, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE EASTERNLY ALONG THE NORTH LINE OF SAID LOT 2 AND ALONG THE NORTH LINE OF LOT 16, LOT 17 AND LOT 18, SAID BLOCK 3, PLAT NO. 1, CRAIG FARMS TO THE EAST LINE OF BLOCKS 3 AND 4, SAID PLAT NO. 1, CRAIG FARMS;

THENCE NORTHERLY ALONG SAID EAST LINE, TO THE NORTH LINE OF SAID PLAT NO. 1, CRAIG FARMS;

THENCE WESTERLY ALONG SAID NORTH LINE TO THE EASTERLY RIGHT OF WAY LINE OF TOMOKA FARMS ROAD AS SHOWN IN ROAD BOOK 1, PAGE 28 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE NORTHERLY ALONG SAID EASTERY RIGHT OF WAY LINE TO THE NORTH LINE OF A 200 FOOT ROADWAY AND UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2806, PAGE 1370 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND DESCRIBED AS FOLLOWS:

WEST A DISTANCE OF 183.52 FEET TO THE WEST LINE OF SAID SECTION 17, THE SOUTHWEST CORNER THEREOF BEARING SOUTH 01 DEGREES 25 MINUTES 52 SECONDS EAST A DISTANCE OF 1378.54 FEET; THENCE CONTINUE SOUTH 40 DEGREES 38 MINUTES 18 SECONDS WEST A DISTANCE OF 1870.59 FEET TO THE SOUTH LINE OF SAID SECTION 18, THE SOUTHEAST CORNER THEREOF BEARING NORTH 88 DEGREES 06 MINUTES 32 SECONDS EAST A DISTANCE OF 1253.39 FEET; THENCE CONTINUE SOUTH 40 DEGREES 38 SECONDS WEST A DISTANCE OF 117.96 FEET TO THE TERMINATION OF SAID CENTERLINE, THE RIGHT-OF-WAY LINES TO EXTEND SOUTHWESTERLY TO THEIR INTERSECTION WITH THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 2537, PAGE 1316 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPTING FROM THIS DESCRIPTION, THE 350 FOOT RIGHT-OF-WAY OF INTERSTATE 95.)

THENCE EASTERLY ALONG SAID NORTH LINE TO THE EASTERLY LINE OF AN ANNEXATION PARCEL TO THE CITY OF PORT ORANGE, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 5082, PAGE 1970 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND DESCRIBED AS FOLLOWS:

((O.R. BOOK 5082, PAGE 1970) A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WEST LINE OF THAT PORTION OF BLOCK NO. 3 AND BLOCK NO. 4, PLAT NUMBER ONE OF CRAIG FARMS AS RECORDED IN MAP BOOK 11, PAGE 89, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, VACATED BY VOLUSIA COUNTY, FLORIDA RESOLUTION NO. 94-238, AS RECORDED IN OFFICIAL RECORDS BOOK 3954, PAGE 415, SAID PUBLIC RECORDS, WITH THE NORTH LINE OF THE CITY LIMITS OF THE CITY OF PORT ORANGE, FLORIDA PER CITY OF PORT ORANGE, FLORIDA ORDINANCE NO. 2001-65 AS RECORDED IN OFFICIAL RECORDS BOOK 4748, PAGE 682, SAID PUBLIC RECORDS; THENCE RUN NORTH 00 DEGREES 31 MINUTES 39 SECONDS WEST ALONG SAID WEST LINE, 1884.60 FEET TO THE NORTH LINE OF SAID PLAT NO. ONE OF CRAIG FARMS; THENCE SOUTH 89 DEGREES 28 MINUTES 27 SECONDS WEST ALONG SAID NORTH LINE, 1971.69 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TOMOKA FARMS ROAD, A PRESCRIPTIVE RIGHT OF WAY AS SHOWN ON MAP IN ROAD BOOK 1, PAGE 28, SAID PUBLIC RECORDS; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 15 COURSES: NORTH 20 DEGREES 56 MINUTES 04 SECONDS WEST, 50.62 FEET; THENCE NORTH 16 DEGREES 00 MINUTES 43 SECONDS WEST, 200.06 FEET; THENCE NORTH 17 DEGREES 19 MINUTES 19 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 16 MINUTES 20 SECONDS WEST, 100.00 FEET; THENCE NORTH 18 DEGREES 07 MINUTES 54 SECONDS WEST, 100.01 FEET; THENCE NORTH 17 DEGREES 26 MINUTES 39 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 12 MINUTES 54 SECONDS WEST, 100.00 FEET; THENCE NORTH 16 DEGREES 55 MINUTES 42 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 19 MINUTES 456 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 16 MINUTES 20 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 12 MINUTES 54 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 02 MINUTES 35 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 23 MINUTES 12 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 19 MINUTES 46 SECONDS WEST, 100.00 FEET; THENCE NORTH 17 DEGREES 33 MINUTES 31 SECONDS WEST, 37.37 FEET TO THE NORTH LINE OF THAT 200 FOOT WIDE RIGHT OF WAY AND UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 2537, PAGE 1319, SAID PUBLIC RECORDS; THENCE NORTH 89 DEGREES 32 MINUTES 44 SECONDS EAST, ALONG THE NORTH LINE OF SAID EASEMENT, 2057.06 FEET; THENCE DEPART SAID NORTH LINE SOUTH 00 DEGREES 27 MINUTES 16 SECONDS EAST, 412.53 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 1120.47 FEET AND A CENTRAL ANGLE OF 58 DEGREES 14 MINUTES 31 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1138.97 FEET TO A POINT OF REVERSE CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 2470.00 FEET AND A CENTRAL ANGLE OF 37 DEGREES 30 MINUTES 36 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1617.04 FEET; THENCE SOUTH 21 DEGREES 11
MINUTES 11 SECONDS EAST, 246.62 FEET TO THE NORTHERLY LINE OF SAID CITY OF PORT ORANGE, FLORIDA, CITY LIMITS; THENCE SOUTH 68 DEGREES 48 MINUTES 49 SECONDS WEST ALONG SAID NORTHERLY LINE, 1369.06 FEET TO THE POINT OF BEGINNING.

THENCE SOUTHERLY AND EASTERLY ALONG SAID EASTERLY LINE TO THE NORTHERLY LINE OF AFOREMENTIONED “ATLANTIS ANNEXATION DESCRIPTION”;

THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE NORTH AND EAST PROPERTY LINES OF SAID “ATLANTIS ANNEXATION DESCRIPTION” TO THE CENTERLINE OF A SWALE AS RECORDED IN OFFICIAL RECORDS BOOK 3553, PAGE 0591, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND DESCRIBED AS FOLLOWS:

((O.R.B. 3553, PAGE 0591) A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 15 SOUTH, RANGE 33 EAST, AND A PORTION OF SECTION 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE SOUTH 01°54'42" EAST, ALONG THE WEST LINE OF SAID SECTION 18, A DISTANCE OF 872.25 FEET TO A POINT IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95 AND THE POINT OF BEGINNING; THENCE DEPARTING THE AFORESAID WEST LINE OF SECTION 18, NORTH 56°25'25" WEST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 948.65 FEET TO THE CENTERLINE OF A SWALE; THENCE DEPARTING THE AFORESAID RIGHT OF WAY LINE, THE FOLLOWING COURSES AND DISTANCES ALONG THE AFORESAID SWALE CENTERLINE: SOUTH 79°55'31" WEST, A DISTANCE OF 295.92 FEET; THENCE SOUTH 00°05'04" WEST, A DISTANCE OF 392.34 FEET; THENCE SOUTH 56°52'54" WEST, A DISTANCE OF 964.44 FEET; THENCE SOUTH 65°16'40" WEST, A DISTANCE OF 172.61 FEET; THENCE SOUTH 50°23'24" WEST, A DISTANCE OF 277.41 FEET; THENCE SOUTH 45°57'33" WEST, A DISTANCE OF 724.45 FEET; THENCE SOUTH 51°21'20" WEST, A DISTANCE OF 2480.32 FEET TO A GAS TRANSMISSION LINE; THENCE DEPARTING THE AFORESAID SWALE CENTERLINE, THE FOLLOWING COURSES AND DISTANCES ALONG THE AFORESAID GAS TRANSMISSION LINE: SOUTH 37°01'12" EAST, A DISTANCE OF 2170.70 FEET; THENCE SOUTH 35°04'53" EAST, A DISTANCE OF 207.16 FEET; THENCE SOUTH 29°26'02" EAST, A DISTANCE OF 132.92 FEET TO A FENCE MARKING THE NORTH LINE OF PROPERTY OCCUPIED BY BERRIEN BECKS, SR.; THENCE DEPARTING THE AFORESAID GAS TRANSMISSION LINE NORTH 88°27'01" EAST, ALONG THE AFORESAID OCCUPIED LINE A DISTANCE OF 977.25 FEET; THENCE NORTH 89°06'46" EAST, A DISTANCE OF 2767.0/ FEET TO THE SOUTHWEST CORNER OF THE AFORESAID SECTION 18; THENCE SOUTH 88°40'06" EAST ALONG THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF 2254.46 FEET TO THE WEST LINE OF A 100’ ACCESS ROAD RIGHT-OF-WAY; THENCE, DEPARTING THE AFORESAID SECTION LINE SOUTH 01°28'12" EAST ALONG THE AFORESAID WEST LINE A DISTANCE OF 729.01 FEET: TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 25°33'29'', AND A CHORD BEARING OF SOUTH 14°14'46'' EAST: THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 267.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE: THENCE SOUTH 27°01'41" EAST, A DISTANCE OF 262.13 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD, A 100’ RIGHT-OF-WAY: THENCE NORTH 62°58'19" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE AFORESAID 100’ ACCESS ROAD, RIGHT-OF-WAY; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 27°01'41" WEST ALONG THE AFORESAID EAST LINE A DISTANCE OF 251.89 FEET TO THE
SOUTH ¼ CORNER OF SAID SECTION 18; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID SECTION 18 NORTH 88°58’37” EAST, A DISTANCE OF 1632.37 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE AFORESAID INTERSTATE NO. 95; THENCE DEPARTING THE AFORESAID SOUTH LINE OF SAID SECTION 18 NORTH 15°29’35” WEST ALONG THE AFORESAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 542.80 FEET; THENCE NORTH 18°14’26” WEST, A DISTANCE OF 603.51 FEET; THENCE NORTH 24°25’25” WEST, A DISTANCE OF 29.97 FEET; TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADUIS OF 3644.83 FEET, A CENTRAL ANGLE OF 32°00’00”, AND A CHORD BEARING OF NORTH 40°25’25” WEST; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 2035.66 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 56°25’25” WEST, A DISTANCE OF 3284.90 FEET TO THE POINT OF BEGINNING; CONTAINING 706.59 ACRES, MORE OR LESS;)

THENCE NORTHEASTERLY ALONG SAID CENTERLINE, TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95 (STATE ROAD #9), A 350 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 79002-2407;

THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, TO THE WEST LINE OF SECTION 18, TOWNSHIP 16 SOUTH, RANGE 33 EAST;

THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 18, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID INTERSTATE 95 (STATE ROAD #9) AND THE SOUTHEASTERLY CORNER OF THE FOLLOWING DESCRIBED PROPERTY, AS RECORDED IN OFFICIAL RECORD BOOK 5784, PAGE 3308 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA:

((O.R.B. 5784, PAGE 3308) A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGIN AT THE NORTHWEST CORNER OF HIDDEN LAKE PHASE 1V-A, AS RECORDED IN MAP BOOK 40, PAGES 86 AND 87, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S°04’55”W ALONG THE EAST LINE OF SAID SECTION 12, BEING ALSO THE WEST LINE OF SAID HIDDEN LAKE PHASE IV-A, BEING ALSO THE WEST LINE OF HIDDEN LAKE PHASE IV-B, AS RECORDED IN MAP BOOK 41, PAGE 55, OF SAID PUBLIC RECORDS, A DISTANCE OF 1484.04 FEET TO THE SOUTHWEST CORNER OF SAID HIDDEN LAKE PHASE IV-B, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S0°51’33”E ALONG THE EAST LINE OF SAID SECTION 13, A DISTANCE OF 442.01 FEET TO THE NORTHEASTERLY RIGHT OF WAY OF INTERSTATE 95 (STATE ROAD #9), A 350 FOOT RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 79002-2407; THENCE N55°22’05”W ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 95, A DISTANCE OF 1484.87 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD RIGHT-OF-WAY WIDTH VARIES, PER EAST COAST BELTLINE, VOLUSIA COUNTY DEPARTMENT OF ENGINEERING, RIGHT-OF-WAY SURVEY, PROJECT NO. 4146-1-2, MAY 1992; THENCE N13°02’00”E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD, A DISTANCE OF 538.20 FEET; THENCE N76°58’00”W A DISTANCE OF 20.00 FEET; THENCE N13°02’00”E A DISTANCE OF 603.81 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WILLOW RUN BOULEVARD BEING A 200 FOOT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2490, PAGE 998 AND OFFICIAL RECORDS BOOK 2806, PAGE 1370, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S87°57’18”E ALONG SAID WILLOW RUN BOULEVARD A DISTANCE OF 979.84 FEET TO THE POINT OF BEGINNING, CONTAINING 1,721,044 SQUARE FEET OR 39.5097 ACRES MORE OR LESS.

AND
MAP BOOK 39 PAGES 166 AND 167, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND FOR
A POINT OF BEGINNING;  THENCE N87°57'18"W ALONG THE NORTH RIGHT-OF-WAY LINE OF
AFORESAID WILLOW RUN BOULEVARD A DISTANCE OF 533.11 FEET; THENCE N2°04'3"E A
DISTANCE OF 508.28 FEET; THENCE N68°54'04"W A DISTANCE OF 45.14 FEET; THENCE
N51°38'01"W A DISTANCE OF 24.61 FEET; THENCE N32°27'40"W A DISTANCE OF 28.09 FEET;
THENCE N42°12'28"W A DISTANCE OF 14.94 FEET; THENCE N36°21'04"W A DISTANCE OF 27.68
FEET; THENCE N28°43'47"W A DISTANCE OF 32.47 FEET; THENCE N9°15'03"W A DISTANCE OF
309.4 FEET; THENCE N32°27'40"W A DISTANCE OF 28.09 FEET; THENCE N42°12'28"W A
DISTANCE OF 14.94 FEET; THENCE N36°21'04"W A DISTANCE OF 27.68 FEET; THENCE N28°43'47"W A DISTANCE OF 32.47 FEET; THENCE N15°53'44"W A DISTANCE OF
67.85 FEET; THENCE N9°15'03"W A DISTANCE OF 309.4 FEET; THENCE N0°45'54"E A DISTANCE
OF 17.68 FEET TO THE SOUTH LINE OF A FLORIDA POWER & LIGHT COMPANY RIGHT-OF-WAY
EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1664, PAGE 448, OF THE PUBLIC
RECORDS OF VOLUSIA COUNTY OF FLORIDA; THE
NCE S89°14'45"E A DISTANCE OF 659.33
FEET TO THE NORWEST CORNER OF SAID GLENWOOD VILLAGE PHASE II; THENCE N0°04'55"W
ALONG THE WEST LINE OF SAID GLENWOOD VILLAGE PHASE II A DISTANCE OF 748.88 FEET
TO THE POINT OF BEGINNING AND CONTAINING 412,683 SQUARE FEET OR 9.474 ACRES MORE
OR LESS.)

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID NORTHERLY RIGHT OF WAY
LINE OF INTERSTATE 95  TO THE WESTERLY RIGHT OF WAY LINE OF WILLIAMSON
BOULEVARD, A 200 FOOT RIGHT OF WAY PER VOLUSIA COUNTY RIGHT OF WAY SURVEY
PROJECT 4146-1-2, DATED MAY, 1992;

THENCE IN A NORTHERLY DIRECTION ALONG SAID WESTERLY RIGHT OF WAY LINE OF
WILLIAMSON BOULEVARD TO THE NORTH LINE OF THE SOUTHEAST ¼ OF SECTION 12,
TOWNSHIP 16 SOUTH, RANGE 32 EAST;

THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD,
IN AN EASTERNLY DIRECTION ALONG THE NORTH LINE OF SAID SOUTHEAST ¼ OF SECTION
12, A DISTANCE OF 200.70 FEET TO THE EASTERNLY RIGHT OF WAY LINE OF SAID
WILLIAMSON BOULEVARD;

THENCE SOUTHERLY ALONG SAID EASTERNLY RIGHT OF WAY LINE TO THE SOUTH LINE OF
A FLORIDA POWER AND LIGHT COMPANY (FP&L) RIGHT OF WAY EASEMENT AS
DESCRIBED IN OFFICIAL RECORDS BOOK 1664, PAGE 448 AND OFFICIAL RECORDS BOOK
2296, PAGE 1094, SAID OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA;

THENCE DEPARTING SAID EASTERNLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD,
EASTERLY ALONG THE SOUTH LINE OF SAID FP&L RIGHT OF WAY LINE, 430.46 FEET, TO A
POINT 200.00 FEET WEST OF, AS MEASURED PERPENDICULAR TO, THE SOUTH LINE OF
SECTION 7, TOWNSHIP 16 SOUTH, RANGE 33 EAST;

THENCE NORTHERLY, PARALLEL WITH THE WEST LINE OF SAID SECTION 7, TO THE
SOUTH LINE OF THE NORTHEAST ¼ OF SECTION 12, TOWNSHIP 16 SOUTH, RANGE 32
EAST, SAID LINE ALSO BEING THE SOUTHERLY BOUNDARY LINE OF TOWN PARK
SUBDIVISION AS RECORDED IN OFFICIAL RECORDS BOOK 4280, PAGES 4198-4199 OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:

(O.R.BOOK 4280, PAGES 4198-4199), LEGAL DESCRIPTION:  RESIDENTIAL PARCEL A PORTION
OF SECTIONS 1 AND 12, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF
THE GROVES PHASE “C”, AS RECORDED IN MAP BOOK 44, PAGE 19 OF THE PUBLIC RECORDS
OF VOLUSIA COUNTY, FLORIDA, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF
MADELINE AVENUE, A 100 FOOT RIGHT OF WAY PER SAID THE GROVES PHASE “C”; THENCE
N89°48'41"W, 434.83 FEET TO THE CENTERLINE OF THE EAST VOLUSIA COUNTY MOSQUITO
CONTROL DISTRICT MAIN DRAINAGE CANAL EASEMENT, AS RECORDED IN OFFICIAL RECORDS
BOOK 847, PAGE 438, SAID PUBLIC RECORDS; THENCE N89°47'50"W, 69.01 FEET TO THE
BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1150.00 FEET AND A CENTRAL ANGLE OF 57°46'0"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1159.45 FEET; THENCE S32°26'10"W, 549.45 FEET TO THE POINT OF BEGINNING; THENCE S44°33'09"E, 663.77 FEET; THENCE S89°19'25"E, 827.82 FEET TO THE WESTERLY LINE OF SAID EAST VOLUSIA COUNTY MOSQUITO CONTROL DISTRICT MAIN DRAINAGE CANAL EASEMENT; THENCE S00°11'27"W, ALONG THE WESTERLY AND SOUTHERLY LINE OF SAID MAIN DRAINAGE CANAL EASEMENT, 536.11 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 480.00 FEET, A CENTRAL ANGLE OF 64°42'14" AND A CHORD BEARING OF S32°07'42"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 542.06 FEET TO A POINT THAT IS 200.00 FEET WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, THE EAST LINE OF SAID SECTION 12; THENCE S00°05'07"W, PARALLEL WITH SAID EAST LINE OF SECTION 12, A DISTANCE OF 2173.19 FEET TO THE SOUTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 12; THENCE N89°57'22"W, ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SECTION 12 AND THE NORTH LINE OF A FLORIDA POWER AND LIGHT COMPANY RIGHT OF WAY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1664, PAGE 448, SAID PUBLIC RECORDS, 671.49 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD (EAST COAST BELTLINE, 200 FOOT RIGHT OF WAY PER VOLUSIA COUNTY RIGHT OF WAY SURVEY, PROJECT NO. 4146-1-2, MAY 1992) AND A POINT ON A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2964.79 FEET, A CENTRAL ANGLE OF 43°08'11" AND A CHORD BEARING OF N26°04'54"W; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT OF WAY LINE, 2232.11 FEET; THENCE N47°38'59"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 987.65 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'09"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 39.27 FEET; THENCE N32°26'10"E, 134.27 FEET TO THE POINT OF BEGINNING. CONTAINING 100.38 ACRES, MORE OR LESS.); 

THENCE WESTERLY ALONG SAID SOUTHERLY BOUNDARY LINE, AND THE SOUTH LINE OF SAID NORTHEAST 1/4, 671.49 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD, A 200 FOOT RIGHT OF WAY, AS SHOWN ON A VOLUSIA COUNTY, FLORIDA RIGHT OF WAY MAP, PROJECT NUMBER 4146-1-2, DATED MAY 1992;

THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 16 SOUTH, RANGE 32 EAST;

THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD AND PROCEEDING IN A WESTERLY DIRECTION ALONG THE NORTH LINE OF SAID SECTION 12 TO THE INTERSECTION OF SAID NORTH LINE WITH THE WESTERLY RIGHT OF WAY LINE OF SAID WILLIAMSON BOULEVARD;

THENCE IN A NORTHWESTERLY DIRECTION, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WILLIAMSON BOULEVARD TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND THE NORTH LINE OF THAT PROPERTY DESCRIBED IN O.R.BOOK 5804, PAGE 3326 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:

((O.R.B. 5804, PG. 3326) LEGAL DESCRIPTION - A PORTION OF SECTION 1, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE GROVES PHASE "C", AS RECORDED IN MAP BOOK 44, PAGE 19 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER
BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF MADELINE AVENUE, A 100 FOOT RIGHT OF WAY; THENCE N89°48'41"W ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 434.83 FEET TO THE CENTERLINE OF THE EAST VOLUSIA COUNTY MOSQUITO CONTROL DISTRICT MAIN DRAINAGE CANAL EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 847, PAGE 438, SAID PUBLIC RECORDS; THENCE N00°11'27"E ALONG SAID CENTERLINE, 100.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID MADELINE AVENUE; THENCE N89°47'50"W ALONG SAID NORTHERLY RIGHT OF WAY LINE, 68.99 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE SOUTHEAST HAVING A RADIUS OF 1,250.00 FEET AND A CENTRAL ANGLE OF 57°46'00"; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, AND THE ARC OF SAID CURVE, 1260.27 FEET; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE S32°26'10"W, 424.04 FEET; THENCE S42°21'10"W ALONG SAID RIGHT OF WAY LINE, 682.72 FEET TO THE END OF CURVE CONCAVE NORTHWEST HAVING A RADIUS OF 2,450.00 FEET AND A CENTRAL ANGLE OF 09°55'00"; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, 424.04 FEET; THENCE S42°21'10"W ALONG SAID RIGHT OF WAY LINE, 500.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD, A 200 FOOT RIGHT OF WAY; THENCE N47°38'59"W ALONG SAID EASTERLY RIGHT OF WAY LINE, 746.27 FEET TO THE BEGINNING OF CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 3,728.32 FEET AND A CENTRAL ANGLE OF 08°40'17"; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, 564.26 FEET; THENCE DEPART SAID EASTERLY RIGHT OF WAY LINE, N°28'29"E, 308.54 FEET TO THE BEGINNING OF CURVE CONCAVE SOUTH HAVING A RADIUS OF 1937.10 FEET AND A CENTRAL ANGLE OF 39°43'41"; THENCE EASTERLY ALONG THE RC OF SAID CURVE, 1,343.16 FEET; THENCE S89°47'50"E, 2,138.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,008,217.51 SQUARE FEET OR 69.059 ACRES, MORE OR LESS.

TOGETHER WITH THE 200 FOOT RIGHT OF WAY KNOWN AS WILLIAMSON BOULEVARD ADJOINING THE CITY OF PORT ORANGE AND COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD AND BEING APPROXIMATELY 1446 FEET NORTH OF THE NORTH LINE OF THE MADELINE AVENUE RIGHT OF WAY AND EXTENDING IN A SOUTHERLY DIRECTION ALONG THE EAST RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NE ¼ OF SECTION 12, TOWNSHIP 16 SOUTH, RANGE 32 E, VOLUSIA COUNTY, FLORIDA.)

THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE IN AN EASTERLY DIRECTION ALONG THE NORTH LINE OF SAID PROPERTY DESCRIBED IN O.R. BOOK 5804, PAGE 3326 TO THE INTERSECTION OF SAID NORTH LINE WITH THE CENTERLINE OF MAIN DRAINAGE CANAL, AN 80 FOOT RIGHT OF WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 847, PAGES 430-444 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND DESCRIBED AS FOLLOWS:

((O.R.B. 847, PAGES 430-444) DESCRIPTION FOR THE MAIN DRAINAGE CANAL EASEMENT 80 FEET WIDE IN T15 & 16S, R32 & 33E, THE CENTER LINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SECTION 18, T16S, R33E, SAID POINT BEING 1320 FEET MORE OR LESS SOUTH OF THE NE CORNER THEREOF; THENCE NORTHEASTERLY TO A POINT BEING 440 FEET WEST OF THE EAST LINE OF SAID SECTION 18; THENCE NORTHERLY AND PARALLEL TO AND AT A DISTANCE OF 440 FEET FROM THE SAID EAST LINE FOR A DISTANCE OF 860 FEET MORE OR LESS TO THE NORTH LINE OF SECTION 18, T16S, R33E; THENCE FOLLOWING THE MEANDERING NATURAL DRAINAGE SWALE NORTHWESTERLY IN SECTION 7, T16S, R33E TO ITS INTERSECTION WITH AN EXISTING DITCH ON THE WEST LINE OF THE E ½ OF THE SE ¼ OF SAID SECTION 7, SAID POINT OF INTERSECTION BEING 440 FEET SOUTH OF THE NW CORNER OF SAID E ½ OF SE ¼ OF SECTION 7; THENCE WESTERLY AND PARALLEL TO AND BEING 440 FEET SOUTH WES
SAID SECTION 7 TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION 7, SAID POINT BEING 440 FEET SOUTH OF THE CENTER OF SECTION 7; THENCE FOLLOWING AN ARC HAVING A RADIUS OF 440 FEET TO A POINT IN THE EAST-WEST CENTER LINE OF SECTION 7, SAID POINT BEING 440 FEET WEST OF THE CENTER OF SECTION 7; THENCE NORTH AND PARALLEL TO THE EAST LINE OF THE NW ¼ OF SAID SECTION 7, TO A POINT BEING 880 FEET SOUTH OF THE NORTH LINE THEREOF, SAID POINT ALSO BEING 440 FEET WEST OF THE SAID EAST LINE OF THE NW ¼ OF SAID SECTION 7 THENCE FOLLOWING AN ARC HAVING A RADIUS OF 440 FEET TO A POINT BEING 440 FEET SOUTH OF THE NORTH LINE OF SECTION 7, AND 880 FEET WEST OF THE EAST LINE OF THE NW ¼ OF SAID SECTION 7; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID SECTION 7 AND 440 FEET SOUTHERLY THEREOF TO A POINT IN THE WEST LINE OF SECTION 7, SAID POINT BEING ALSO IN THE EAST LINE OF SECTION 12, T16S, R32E, 440 FEET SOUTH OF THE NE CORNER THEREOF; THENCE FOLLOWING AN ARC HAVING A RADIUS OF 440 FEET TO A POINT BEING 440 FEET WEST OF THE NE CORNER OF SECTION 12, SAID POINT ALSO TO THE EAST LINE OF SECTION 1, T16S, R32E; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SECTION 1, T16S, R32E, AND 440 FEET WESTERLY THEREOF TO THE NORTH LINE THEREOF; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SECTION 36, T15S, R32E, AND 440 FEET WESTERLY THEREOF FOR A DISTANCE OF 3300 FEET MORE OR LESS TO AN INTERSECTION WITH A NATURAL DRAINAGE SWALE; THENCE NORTHWESTERLY IN SAID SWALE TO A POINT WHICH IS 440 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 36, BEING 2150 FEET MORE OR LESS WEST FROM THE EAST LINE OF SAID SECTION 36, THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID SECTION 36 AND 440 FEET SOUTHERLY THEREOF TO THE WEST LINE OF SAID SECTION 36; THENCE CONTINUING WEST ALONG THE SAID PARALLEL LINE BEING 440 FEET SOUTHERLY OF THE NORTH LINE OF SECTION 35, T15S, R32E, FOR A DISTANCE OF 1500 FEET MORE OR LESS TO THE TERMINUS IN A NATURAL DRAINAGE SWALE);

THENCE NORTHERLY ALONG SAID CENTER LINE, TO A POINT IN SECTION 36, TOWNSHIP 15, SOUTH RANGE 32 EAST;

THENCE DEPARTING SAID CENTERLINE AT AN INTERIOR ANGLE OF 90°05’08” EASTERLY A DISTANCE OF 389.31 FEET, TO A POINT ON THE EAST LINE OF SAID SECTION 36, SAID POINT BEING 1650.64 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SECTION 36, AS MEASURED ALONG SAID SECTION LINE;

THENCE ALONG THE WEST LINE OF SECTION 31, TOWNSHIP 15 SOUTH, RANGE 33 EAST, TO A POINT 1651.73 FEET NORTHERLY OF THE SOUTHWEST CORNER THEREOF, AS MEASURED ALONG SAID LINE;

THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 31, TO THE EAST LINE OF GOVERNMENT LOT 5, SAID SECTION 31;

THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 1650 FEET OF GOVERNMENT LOT 6 TO THE EASTERLY RIGHT OF WAY LINE OF CLYDE MORRIS BOULEVARD;

THENCE ALONG SAID RIGHT OF WAY LINE, TO THE NORTHWEST CORNER OF THE PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 3907, PAGE 4705, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND DESCRIBED AS FOLLOWS:


AS A REFERENCE POINT, COMMENCE AT A PRM MARKING THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 6; THENCE N0°16’30”W A DISTANCE OF 1650.00 FEET; THENCE N88°47’23”W A DISTANCE OF 126.58 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING
DESCRIBED PARCEL; THENCE S0°16'30"E A DISTANCE OF 158 FEET; THENCE S88°47'23"E A DISTANCE OF 1.58 FEET TO A POINT; THENCE S0°16'30"E A DISTANCE OF 64.70 FEET TO A POINT; THENCE N88°47'23"W A DISTANCE OF 374.37 FEET TO A POINT IN THE EAST RIGHT-OF-WAY LINE SAID CLYDE MORRIS BOULEVARD; THENCE N31°34'0"W ALONG SAID EAST RIGHT-OF-WAY LINE OF CLYDE MORRIS BOULEVARD A DISTANCE OF 264.78 FEET; THENCE S88°47'23"E A DISTANCE OF 510.36 FEET TO THE POINT OF BEGINNING); 

THENCE EASTERLY, SOUTHERLY, AND WESTERLY ALONG THE BOUNDARY OF SAID PARCEL 4, TO THE EASTERLY RIGHT OF WAY LINE OF CLYDE MORRIS BOULEVARD; 


THENCE EASTERLY ALONG SAID NORTH LINE, TO THE WEST LINE OF GOVERNMENT LOT 7, SAID SECTION 31; 

THENCE SOUTHERLY ALONG THE SAID WEST LINE OF GOVERNMENT LOT 7 TO THE NORTH LINE OF THE SOUTHERLY 1028 FEET OF SAID GOVERNMENT LOT 7; 

THENCE EASTERLY ALONG SAID NORTH LINE OF THE SOUTHERLY 1028 FEET, TO THE WEST LINE OF THE EASTERLY 889.93 FEET OF SAID GOVERNMENT LOT 7; 

THENCE SOUTHERLY ALONG SAID WEST LINE OF THE EASTERLY 889.93 FEET, TO THE SOUTH LINE OF THE NORTHERLY 125 FEET OF THE SOUTHERLY 1028 FEET OF SAID GOVERNMENT LOT 7; 

THENCE EASTERLY ALONG SAID SOUTH LINE, TO THE EAST LINE OF THE WESTERLY 470.00 FEET OF THE EASTERLY 889.93 FEET OF SAID GOVERNMENT LOT 7; 

THENCE NORTHERLY ALONG SAID EAST LINE, TO THE SAID NORTH LINE OF THE SOUTHERLY 1028 FEET OF SAID GOVERNMENT LOT 7; 

THENCE EASTERLY ALONG SAID NORTH LINE OF THE SOUTHERLY 1028 FEET, TO THE WEST LINE OF GOVERNMENT LOT 8 SAID SECTION 31; 

THENCE NORTHERLY ALONG SAID WEST LINE, TO THE NORTH LINE OF THE SOUTHERLY 20 ACRES OF SAID GOVERNMENT LOT 8; 

THENCE EASTERLY ALONG SAID NORTH LINE, TO THE EAST LINE OF SAID SECTION 31; 

THENCE NORTHERLY ALONG SAID EAST LINE, TO THE WESTERLY LINE OF THE TOWN OF BLAKE AS RECORDED IN MAP BOOK 1, PAGE 30, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; 

THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID TOWN OF BLAKE, TO THE WESTERLY LINE OF THE MAP OF DUNLAWTON AS RECORDED IN MAP BOOK 14 PAGES 83-84 , PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; 

THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF THE MAP OF DUNLAWTON, TO THE NORTH LINE OF SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST; 

THENCE WESTERLY ALONG SAID NORTH LINE OF SECTION 5, TO THE PARCEL RECORDED IN OFFICIAL RECORDS BOOK 1724, PAGES 1902-1904, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND DESCRIBED AS FGOLLOWS:
((O.R.B. 1724, PAGES 1902-1909) LOT 1, BLOCK 8, EXCEPT THE NORTHERLY 75 FEET THEREOF, DUNLAWTON, AS RECORDED IN DEED BOOK “M”, PAGE 187, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PART OF LOT 1, SUBDIVISION OF LOTS 1, 2, AND 4, SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST, LYING WEST AND NORTH OF THE FOLLOWING DESCRIBED LINE COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 8, DUNLAWTON; THENCE S65°W A DISTANCE OF 500 FEET; THENCE TO A POINT WHICH LIES 600 FEET S65°W OF THE SOUTHWEST CORNER OF LOT 4, BLOCK 1, DUNLAWTON; THENCE TO THE NEAREST POINT WHERE THE LINE WILL STRIKE THE NATURAL BOUNDARY OF “BUTLER BRANCH”; THENCE FOLLOWING THE COURSE THEREOF IN A GENERAL WESTERLY DIRECTION OF THE WEST LINE OF LOT 2, SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AS RECORDED IN MAP BOOK 2, PAGE 69, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 1, DUNLAWTON; THENCE S25°E ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 410.5 FEET TO THE POINT OF BEGINNING; THENCE WEST ALONG THE NORTH LINE OF LOT 1, SUBDIVISION OF LOT 1, 2, AND 4, SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AFORESAID, A DISTANCE OF 551.68 FEET TO A POINT; THENCE S25°E, A DISTANCE OF 572.65 FEET TO A POINT; THENCE N65°E A DISTANCE OF 500 FEET TO A POINT IN THE WEST LINE OF BLOCK 8, DUNLAWTON; THENCE NORTH ALONG THE WEST LINE OF BLOCKS 1 AND 8, DUNLAWTON, A DISTANCE OF 339.5 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS: LOT 1, BLOCK 8, EXCEPT THE NORTHERLY 75 FEET THEREOF, DUNLAWTON, AS RECORDED IN DEED BOOK “M”, PAGE 187, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PART OF LOT 1, SUBDIVISION OF LOTS 2 AND 4 OF SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT Q, BLOCK 8, SAID DUNLAWTON SUBDIVISION; THENCE S65°14′55″W A DISTANCE OF 540.47 FEET; THENCE S15°56′27″E A DISTANCE OF 705 FEET MORE OR LESS TO THE NATURAL BOUNDARY OF “BUTLER BRANCH”; THENCE FOLLOWING THE COURSE THEREOF IN A GENERAL WESTERLY DIRECTION TO THE WEST LINE OF LOT 2, SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AS RECORDED IN MAP BOOK 2, PAGE 68, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N0°50′10″E ALONG THE WEST LINE OF SAID U.S. LOT 2, A DISTANCE OF 2100 FEET MORE OR LESS; THENCE S26°59′44″E A DISTANCE OF 572.75 FEET; THENCE N63°00′16″E A DISTANCE OF 500 FEET; THENCE S26°59′44″E A DISTANCE OF 585 FEET TO THE POINT BEGINNING. CONTAINING 46.57 ACRES MORE OR LESS);

THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID PARCEL, TO THE SOUTH LINE OF THE NORTHERLY 75 OF LOT 1, BLOCK 8, SAID MAP OF DUNLAWTON;

THENCE ALONG SAID SOUTH LINE OF THE NORTHERLY 75 FEET, TO THE EAST LINE OF SAID LOT 1, BLOCK 8;

THENCE SOUTHERLY AND WESTERLY ALONG SAID LOT 1 BLOCK 8, TO THE SOUTHWEST CORNER THEREOF;

THENCE CONTINUE ALONG SAID PARCEL, RECORDED IN BOOK 1724 PAGES 1902-1909 WESTERLY TO THE WESTERLY RIGHT OF WAY LINE OF NOVA ROAD AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF STATE ROAD 5A(NOVA ROAD) VOLUSIA COUNTY, SECTION 79190-2510, SHEET 6 OF 17;

THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, TO THE SOUTHERLY RIGHT OF WAY LINE OF ALICE STREET, AS SHOWN ON SAID MAP OF DUNLAWTON;
THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE EASTERLY LINE OF LOT 2, BLOCK 9, SAID MAP OF DUNLAWTON;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF LOT 2, BLOCK 9 TO THE SOUTHEAST CORNER THEREOF;

THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4, BLOCK 10, SAID MAP OF DUNLAWTON TO THE NORTHEAST CORNER THEREOF;

THENCE NORTHERLY ALONG THE WEST LINE OF LOT 2, BLOCK 10, SAID MAP OF DUNLAWTON, TO THE NORTHWEST CORNER THEREOF;

THENCE EASTERLY ALONG SAID NORTHERLY LINE OF LOT 2, BLOCK 10, TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE WEST 165 FEET OF LOT 3 BLOCK 7, SAID MAP OF DUNLAWTON;

THENCE NORTHERLY ALONG SAID EAST LINE TO THE NORTH LINE OF THE SOUTH 264 FEET OF SAID LOT 3;

THENCE EASTERLY ALONG SAID NORTH LINE TO THE CENTERLINE OF SAID PEPPERHILL ROAD;

THENCE NORTHERLY ALONG SAID CENTERLINE, TO THE SOUTHERLY RIGHT OF WAY LINE OF SHELDON AVENUE AS SHOWN ON SAID MAP OF DUNLAWTON;

THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE, TO THE EASTERLY LINE OF LOT 1, BLOCK 6, SAID MAP OF DUNLAWTON;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF LOT 1, BLOCK 6, TO THE SOUTHEAST CORNER THEREOF;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOT 3, BLOCK 6, OF SAID MAP OF DUNLAWTON, TO THE SOUTHERLY LINE OF THE NORTHERLY 50 FEET OF SAID LOT 3, BLOCK 6;

THENCE EASTERLY ALONG SAID LINE, TO THE EASTERLY LINE OF SAID LOT 3, BLOCK 6;

THENCE SOUTHERLY ALONG THE EASTERLY LINES OF LOT 3, BLOCK 6, LOT 2, BLOCK 11 AND LOT 3, BLOCK 11, SAID MAP OF DUNLAWTON, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID MADELINE AVENUE;

THENCE EASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, TO THE EASTERLY LINE OF SAID MAP OF DUNLAWTON;

THENCE NORTHERLY ALONG SAID EASTERLY LINE OF THE MAP OF DUNLAWTON, TO THE NORTH LINE OF SECTION 4, TOWNSHIP 16 SOUTH, RANGE 33 EAST;

THENCE EASTERLY ALONG SAID NORTH LINE OF SECTION 4, TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCELS:

PARCEL “A”
THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, WEST OF CLYDE MORRIS BOULEVARD, OF SECTION 6, TOWNSHIP 16 SOUTH, RANGE 33 EAST, EXCEPT THE SOUTH 930 FEET THEREOF.

PARCEL “C”

THE SOUTH 1/5, OF THE SE 1/4, OF THE SE 1/4 OF SAID SECTION 6, TOWNSHIP 16 SOUTH, RANGE 33 EAST TOGETHER WITH;

THE NORTH 1/2, OF THE SE 1/4, OF THE SE 1/4 OF SAID SECTION 6, TOGETHER WITH;

THE EASTERLY 30 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, TOGETHER WITH;

THE EASTERLY 30 FEET OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 33 EAST LYING EASTERLY OF CLYDE MORRIS BOULEVARD.

PARCEL “D”

THE SOUTH 350 FEET OF THE EAST 100 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 33 EAST.

PARCEL “E”:

THE NORTH 110 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 16 SOUTH RANGE 33 EAST, EXCEPT THE EAST 32.50 FEET THEREOF.

PARCEL “F”:

THE EAST 13 CHAINS, OF THE NE 1/4 OF THE NE 1/4 OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 33 EAST;

LESS AND EXCEPT THAT PORTION LYING WITHIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2639, PAGE 0179; PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

LESS AND EXCEPT THAT PORTION LYING WITHIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7537, PAGE 4437, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,

LESS AND EXCEPT THAT PORTION LYING WITHIN AND NORTHEASTERLY OF AIRPORT ROAD.

PARCEL “G”

THE SE 1/4 OF THE SE 1/4, OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 33 EAST; LESS AND EXCEPT THAT PORTION LYING WITHIN “THE SANCTUARY ON SPRUCE CREEK, PHASE 1”, AS RECORDED IN MAP BOOK 45, PAGES 48-51, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;

LESS AND EXCEPT THAT PORTION LYING WITHIN AIRPORT ROAD.

PARCEL “H”

COMMENCE AT THE SW CORNER OF THE NW 1/4 OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST;
THENCE EAST ALONG THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 29, 327.4 FEET TO THE WEST R/W OF COUNTY ROAD;

THENCE NORTH 16 DEGREES, 41 MINUTES EAST ALONG SAID R/W, 184.5 FEET FOR THE POINT OF BEGINNING;

THENCE NORTH 16 DEGREES, 41 MINUTES EAST ALONG SAID R/W, 437.08 FEET;

THENCE NORTHERLY, 353.5 FEET ALONG SAID R/W, BEING AN ARC OF A CURVE WITH A RADIUS OF 432.78 FEET AND AN ANGLE OF 46 DEGREES, 48 MINUTES;

THENCE WEST 1159.65 FEET TO THE CENTER OF SPRUCE CREEK;

THENCE ALONG CENTER OF SAID SPRUCE CREEK SOUTH 28 DEGREES, 14 MINUTES WEST, 37.7 FEET;

THENCE CONTINUE CENTER OF CREEK SOUTH 11 DEGREES, 00 MINUTES WEST, 158 FEET;

THENCE CONTINUE CENTER OF CREEK SOUTH 08 DEGREES, 22 MINUTES EAST, 51.1 FEET;

THENCE CONTINUE CENTER OF CREEK SOUTH 29 DEGREES, 00 MINUTES EAST, 400 FEET;

THENCE CONTINUE CENTER OF CREEK SOUTH 09 DEGREES, 57 MINUTES EAST, 173.36 FEET;

THENCE EAST 889.9 FEET TO POINT OF BEGINNING, CONTAINING 19.2 ACRES MORE OR LESS, BEING IN THE SW 1/4 OF THE NW 1/4 OF SECTION 29 AND THE SE 1/4 OF THE NE 1/4 OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 33 EAST DESCRIPTION PER OFFICIAL RECORDS BOOK 567 PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LESS THAT PORTION OF SAID PROPERTY IN SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST RESIDING WITHIN THE CORPORATE BOUNDARY OF THE CITY OF PORT ORANGE.

PARCEL “I”

ALL THAT PART OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 16 SOUTH RANGE 32 EAST LYING EASTERLY OF THE EAST RIGHT OF WAY OF TAYLOR ROAD AS RECORDED IN RIGHT OF WAY BOOK 1, PAGES 40-46 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4823, PAGE 1318 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:

SAID R. L. LEFFMAN'S HOMESTEAD 664.75 FEET; THENCE N04°06'44"E 380.26 FEET; THENCE
N87°00'44"W 981.56 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF THE OCCUPIED
TAYLOR ROAD; THENCE N30°08'14"E ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID
TAYLOR ROAD 44.95 FEET; THENCE S87°00'44"E 1406.14 FEET, THENCE N04°06'44"E 698.24
FEET, THENCE N87°00'44"W 999.285 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID
TAYLOR ROAD AS OCCUPIED; THENCE N44°10'51"E ALONG THE SOUTHEAST RIGHT-OF-WAY
LINE OF SAID TAYLOR ROAD 264.34 FEET TO THE NORTH LINE OF R. L. LEFFMAN'S
HOMESTEAD 1044.664 FEET TO THE WEST LINE OF SECTION 19, TOWNSHIP 16 SOUTH, RANGE
33 EAST; THENCE N04°06'44"E ALONG THE SAID WEST LINE OF SECTION 19 145.36 FEET;
THENCE S85°44'44"E 1313.42 FEET; THENCE S03°50'56"E 1341.70 FEET TO THE NORTH LINE
OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S85°42'57"W 668.39 FEET;
THENCE S03°57'39"W 658.25 FEET TO THE EAST LINE OF THE SOUTHWEST
QUARTER OF SAID SECTION 19; THENCE S03°35'54"W ALONG THE SAID EAST LINE 665.93 FEET
TO THE SOUTH LINE OF SAID SECTION 19; THENCE N89°10'30"W 2639.195 FEET TO THE
CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE
S03°41.5"W ALONG THE EAST LINE OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST
113.775 FEET TO THE CONCRETE MONUMENT AND THE POINT OF BEGINNING.

ALSO

LANDS LYING SOUTHERLY OF THE NORTH BANK OF SPRUCE CREEK AND LOCATED IN THE
NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA
COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL THREE: ALL THAT PART OF THE SE ¼, NE ¼, SECTION TWENTY FIVE (25), TOWNSHIP
SIXTEEN (16) SOUTH, RANGE THIRTY TWO (32) EAST, LYING AND BEING SOUTH AND EAST OF
SPRUCE CREEK, EXCEPT SO MUCH THEREOF AS WAS TRANSFERRED IN FEE TO THE UNITED
STATES OF AMERICA BY JUDGMENT IN CASE NO. 574-J CIVIL IN THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, AS THE SAME APPEARS IN
FOREIGN JUDGMENT BOOK 3, PATE 322, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,
FLORIDA.

PARCEL FOUR: ALL THAT PART OF THE WEST ½, NE ¼, SECTION TWENTY-FIVE (25), TOWNSHIP
SIXTEEN (16) SOUTH, RANGE THIRTY-TWO (32) EAST, LYING AND BEING SOUTH OF SPRUCE
CREEK EXCEPT SO MUCH THEREOF AS WAS TRANSFERRED IN FEE TO THE UNITED
STATES OF AMERICA BY JUDGMENT IN CASE NO. 574-J CIVIL IN THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, AS THE SAME APPEARS IN
FOREIGN JUDGMENT BOOK 3, PAGE 322, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,
FLORIDA.

THE EXCEPTED PORTION OF PARCELS THREE AND FOUR ABOVE ARE MORE PARTICULARLY
DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE MONUMENT ON THE NORTH LINE OF
THE NE ¼ OF THE SW ¼ OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, SAID POINT
BEING LOCATED N49°40'40"E, 2088.72 FEET FROM A CONCRETE MONUMENT AT THE
NORTHEAST CORNER OF A TRACT OF LAND OWNED BY BELLE MURRAY AND BENNIE L.
GRIFFIN; THENCE N89°00'30"E, ALONG THE NORTH LINE OF THE SOUTH ½ OF SAID SECTION
25, 1218.44 FEET TO A CONCRETE MONUMENT LOCATED AT THE TOP OF THE BLUFF OF THE
EAST SIDE OF SPRUCE CREEK SWAMP FOR A PLACE OF BEGINNING; THENCE FROM SAID
PLACE OF BEGINNING ALONG THE TOP OF THE BLUFF THE FOLLOWING COURSES AND
DISTANCES: N00°59'20"W, 220.07 FEET TO A CONCRETE MONUMENT; N62°26'20"E, 300 FEET
TO A CONCRETE MONUMENT; N54°33'00"E, 690 FEET TO A CONCRETE MONUMENT;
N59°56'40"E, 320 FEET TO A CONCRETE MONUMENT; N80°57'00"E, 285 FEET TO A CONCRETE
MONUMENT; N60°28'30"E, 366.58 FEET TO A CONCRETE MONUMENT ON THE EAST BOUNDARY
OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, SAID POINT BEING LOCATED
PARCEL “J”

A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 16 SOUTH, RANGE 33 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE SOUTH 89 DEGREES 35 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 3959.99 FEET; THENCE NORTH 00 DEGREES 24 MINUTES 35 SECONDS WEST 118.33 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CLYDE MORRIS BOULEVARD, A 100 FOOT RIGHT OF WAY AS NOW LAID OUT AND USED; THENCE NORTWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE A DISTANCE OF 995.59 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE, NORTH 00 DEGREES 24 MINUTES 35 SECONDS EAST 302.92 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST 254.77 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF CLYDE MORRIS BOULEVARD; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

PARCEL “K”

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33 EAST; THENCE N04°06'44"E ALONG THE SAID WEST LINE OF SECTION 19 145.36 FEET;
THENCE S85°44'44"E 1313.42 FEET; THENCE N03°50'56"E 1341.70 FEET TO THE NORTH LINE
OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S85°19'42"E 326.83 FEET;
THENCE S03°46'57"W 1339.235 FEET; THENCE S85°44'44"E 328.36 FEET; THENCE S03°42'57"W
668.39 FEET; THENCE S85°57'39"E 658.25 FEET TO THE EAST LINE OF THE SOUTHWEST
QUARTER OF SAID SECTION 19; THENCE S03°34'54"W ALONG THE SAID EAST LINE 665.93 FEET
TO THE SOUTH LINE OF SAID SECTION 19; THENCE N89°10'30"W 2639.195 FEET TO THE
CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE
S03°35'41.5"W ALONG THE EAST LINE OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 32 EAST
113.775 FEET TO THE CONCRETE MONUMENT AND THE POINT OF BEGINNING.

FURTHER EXCEPTION FROM THE SOUTHWEST ¼ OF SAID SECTION 19 THAT PARCEL
RECORDED IN OFFICIAL RECORDS BOOK 7318, PAGE 1477, SAID PUBLIC RECORDS,
DESCRIBED AS FOLLOWS:

(O.R. Book: 7318, Page: 1477)
The Southwest ¼ of the Northwest ¼ of the Southwest ¼ of Section 19, Township 16 South, Range 33 East,
Volusia County, Florida.

AND FURTHER EXCEPTION FROM THE SOUTHWEST ¼ OF SAID SECTION 19 THAT PARCEL
RECORDED IN OFFICIAL RECORDS BOOK 7136, PAGE 3051, SAID PUBLIC RECORDS,
DESCRIBED AS FOLLOWS:

(O.R. Book: 7136, Page: 3051)
The West ½ of the following described property:
That part of the Northwest ¼ of the Southwest ¼ of Section 19, Township 16 South, Range 33 East,
Volusia County, Florida, and being more particularly described as follows:
From a reference point, being the Southwest corner of said Section 19, run North 01° 06' 10" West, a
distance of 2027.64 feet to a point; thence run North 89° 17' 25" East a distance of 656.13 feet to the Point
of Beginning; Thence continue North 89° 17' 25" East a distance of 656.26 feet to a point; thence run South
01° 23' 45" West a distance of 673.98 feet to a point; thence run South 89° 20' 05" West a distance of
658.86 feet to a point; thence run North 1° 11' 55" West a distance of 673.54 feet to the Point of Beginning.
Together with an easement for ingress and egress to the above described property, said easement being
described as follows: a 25 foot road easement in Section 24, Township 16 South, Range 32 East and
Section 19, Township 16 South, Range 33 East, in Volusia County, Florida, described as follows: All land
lying within 25 feet North, measured at right angles, from the following described line; beginning at the
intersection of the Southeasterly line of Samsula (Taylor) Road, a 100 foot road as now occupied and
recognized; with centerline of the Northeast ¼ of the Southeast ¼ of said Section 24, Township 16 South,
Range 32 East; run thence North 89° 17' 25" East along said center line for a distance of 288.5 feet to a
point in the Eastline of said Section 24; thence continue North 89° 17' 25" East and along the center line of
the Northeast ¼ of the Southwest ¼ of Section 19, Township 16 South, Range 33 East, a distance of
681.13 feet to a point; said point being the Easterly termination of this description.
Together with an easement for ingress and egress and utilities over the West 12.5 feet of the East ½ of the
following described property: That part of the Northeast ¼ of the Southwest ¼ of Section 19, Township 16
South, Range 33 East, Volusia County, Florida, and being more particularly described as follows: From a
reference point, being the Southwest corner of said Section 19, run North 01° 06' 10" West a distance of
2027.64 feet to a point; thence run North 89° 17' 25" East a distance of 656.13 feet to the Point
of Beginning; thence continue North 89° 17' 25" East a distance of 656.28 feet to a point; thence run South
01° 23' 45" West a distance of 673.98 feet to a point; thence run South 89° 20' 05" West a distance of
658.86 feet to a point; thence run North 01° 11' 55" West a distance of 673.54 feet to the Point of
Beginning.

PARCEL “L”

( Official Records Book 3619, Page 1288 ) A portion of the Northeast 1/4 of the Southeast 1/4 of Section
24, Township 16 South, Range 32 East, described as follows: Beginning at a concrete monument marking
the northeast corner of the Northeast 1/4 of the Southeast 1/4 of Section 24; thence West along the North
line of the Northeast 1/4 of the Southeast 1/4 of said Section 24 a distance of 385.3 feet to the Place of Beginning of Parcel 1; thence South a distance of 510.39 feet to a point in the Westerly right of way line of Samsula-Port Orange Road (a 100.00 foot right of way as proposed); thence South 39 degrees 53 minutes West along the Westerly boundary of said proposed road a distance of 140.29 feet; thence North 10 degrees 32 minutes 40 seconds West a distance of 628.65 feet; thence East a distance of 205.0 feet to the Place of Beginning.

PARCEL “M”

A portion of the NE 1/4 of the SE 1/4 of Section 24, Township 16 South, Range 32 East, Volusia County, Florida, being more particularly described as follows:

Begin at the Southwest corner of the NE 1/4 of the SE 1/4 of Section 24, Township 16 South, Range 32 East, Volusia County, Florida; thence North 00°00’00” East, a distance of 208.80 feet along the West line of the NE 1/4 of the SE 1/4 of said Section 24 to a point on the Southwesterly line of Parcel 1 as described in Official Records Book 7058, Pages 4250 through 4251, Public Records of Volusia County, Florida; thence South 41°45’28” East, a distance of 278.35 feet along the Southwesterly line of said Parcel 1 to a point on the South line of said NE 1/4 of the SE 1/4; thence South 89°38’31” West, a distance of 185.38 feet along said South line to the POINT OF BEGINNING.

ALSO

PARCEL IDENTIFICATION NUMBER 24-16-32-00-00-0090-6224-00-00-0090

(Official Records Book 4214, Page 111) Part of the Northeast quarter of the Southeast quarter, Section 24, Township 16 South, Range 32 East, described as follows: the Southerly 150 feet as lies Easterly of a county maintained road known as “Samsula Road” the said parcel being subject to the use of the public for road purposes in and over that part maintained by Volusia, County, Florida, Board of County Commissioners.

ALSO

LANDS LYING SOUTHERLY OF THE NORTH BANK OF SPRUCE CREEK AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL THREE: ALL THAT PART OF THE SE ¼, NE ¼, SECTION TWENTY FIVE (25), TOWNSHIP SIXTEEN (16) SOUTH, RANGE THIRTY TWO (32) EAST, LYING AND BEING SOUTH AND EAST OF SPRUCE CREEK, EXCEPT SO MUCH THEREOF AS WAS TRANSFERRED IN FEE TO THE UNITED STATES OF AMERICA BY JUDGMENT IN CASE NO. 574-J CIVIL IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, AS THE SAME APPEARS IN FOREIGN JUDGMENT BOOK 3, PATE 322, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL FOUR: ALL THAT PART OF THE WEST ½, NE ¼, SECTION TWENTY-FIVE (25), TOWNSHIP SIXTEEN (16) SOUTH, RANGE THIRTY-TWO (32) EAST, LYING AND BEING SOUTH OF SPRUCE CREEK EXCEPT SO MUCH THEREOF AS WAS TRANSFERRED IN FEE TO THE UNITED STATES OF AMERICA BY JUDGMENT IN CASE NO. 574-J CIVIL IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, AS THE SAME APPEARS IN FOREIGN JUDGMENT BOOK 3, PAGE 322, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

THE EXCEPTED PORTION OF PARCELS THREE AND FOUR ABOVE ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE MONUMENT ON THE NORTH LINE OF THE NE ¼ OF THE SW ¼ OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, SAID POINT
BEING LOCATED N49°40'40"E, 2088.72 FEET FROM A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF A TRACT OF LAND OWNED BY BELLE MURRAY AND BENNIE L. GRIFFIN; THENCE N89°01'30"E, 300 FEET TO A CONCRETE MONUMENT ALONG THE NORTH LINE OF THE SOUTH ½ OF SAID SECTION 25, 1218.44 FEET TO A CONCRETE MONUMENT LOCATED AT THE TOP OF THE BLUFF OF THE EAST SIDE OF SPRUCE CREEK SWAMP FOR A PLACE OF BEGINNING; THENCE FROM SAID PLACE OF BEGINNING ALONG THE TOP OF THE BLUFF THE FOLLOWING COURSES AND DISTANCES: N00°59'20"W, 220.07 FEET TO A CONCRETE MONUMENT; N54°33'00"E, 690 FEET TO A CONCRETE MONUMENT; N59°56'40"E, 320 FEET TO A CONCRETE MONUMENT; N80°57'00"E, 285 FEET TO A CONCRETE MONUMENT; N60°28'30"E, 366.58 FEET TO A CONCRETE MONUMENT ON THE EAST BOUNDARY OF SECTION 25, TOWNSHIP 16 SOUTH, RANGE 32 EAST, SAID POINT BEING LOCATED S00°31'50"W, 206.82 FEET FROM THE NORTHEAST CORNER OF THE SE ¼ OF THE NE ¼ OF SAID SECTION 25; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF THE NE ¼ OF SECTION 25 TO THE SOUTHEAST CORNER OF THE NE ¼ OF SECTION 25; THENCE WESTWARDLY ALONG THE SOUTH LINE OF THE NE ¼ OF SECTION 25 TO THE PLACE OF BEGINNING.);

AND ALSO THAT PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 3838, PAGE 1888 OF SAID PUBLIC RECORDS AND DESCRIBED AS FOLLOWS:

((O.R. BOOK 3838, PAGE 1888) PARCEL A:


COMMENCE AT A CONCRETE MONUMENT MARKING THE NW CORNER OF THE SW 1/4 OF SAID SEC. 19; THENCE N 87° 16' 16" E ALONG THE N LINE OF SAID SW 1/4 FOR A DISTANCE OF 231.03 FT. TO THE EASTERLY RIGHT-OF-WAY OF TAYLOR RD.; THENCE N36° 51' 35" E. ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 95.35 FT. TO THE POINT OF BEGINNING: THENCE S71° 20' 15" E. 178.75 FT.; THENCE S02° 39' 15" E. 342.04 FT. TO THE FENCED AND OCCUPIED SOUTH LINE OF THE NORTH 330 FT. OF THE NW 1/4 OF THE SW 1/4, SECTION 19-16-33: THENCE S87° 20' 45" W. ALONG THE ABOVE DESCRIBED SOUTH LINE AND THE EXTENSION THEREOF FOR A DISTANCE OF 502.19 FT. TO THE EASTERLY RIGHT-OF-WAY OF TAYLOR RD.; THENCE N36° 51' 35" E. ALONG SAID EASTERLY RIGHT-OF-WAY FOR A DISTANCE OF 527.55 FT. TO THE POINT OF BEGINNING, CONTAINING 3.00 ACRES, MORE OR LESS, BUT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

PARCEL B:

PART OF THE NW 1/4 OF THE SW 1/4 AND PART OF THE SW 1/4 OF THE NW 1/4 SECTION 19, TOWNSHIP 16S, RANGE 32E, VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SEC. 19; THENCE N87° 16' 16"E ALONG THE NORTH LINE OF SAID SW 1/4 FOR A DISTANCE OF 231.03 FT. TO THE EASTERLY RIGHT-OF-WAY OF TAYLOR RD.; THENCE N36° 51' 35"E ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 95.35 FT. TO THE POINT OF BEGINNING: THENCE S71° 20' 15"E 178.75 FT.; THENCE S02° 39' 15"E 342.04 FT. TO THE FENCED AND OCCUPIED SOUTH LINE OF THE NORTH 330 FT. OF THE NW 1/4 OF THE SW 1/4, SECTION 19-16-33: THENCE S87° 20' 45"W ALONG ABOVE DESCRIBED SOUTH LINE AND THE EXTENSION THEREOF FOR A DISTANCE OF 311.58 FEET: THENCE N02° 39' 15"E 342.04 FT. TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES, MORE OR LESS, BUT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
STAFF REPORT
ANNEXATION/All Aboard Storage Taylor Road
CASE NO. 18-10000004

REQUEST: Annex ±3.8 acres of property into the City of Port Orange

LOCATION: South side of Taylor Road (Figure 1 - Location Map)

OWNER/APPLICANT: Crane Lakes Depot LLC

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

CITY COUNCIL DATE: December 18, 2018

PROPERTY OVERVIEW
The applicant is requesting to annex a ±3.8-acres (Parcels 6224-00-00-0051 and 6224-00-00-0080) along with a portion of the adjacent Taylor Road right-of-way into the City. If approved, the applicant intends to request the Future Land Use designation for the annexed parcels be changed from Volusia County Urban Low Intensity (ULI) to City of Port Orange Office/Residential Transition (ORT) and to rezone the annexed parcels along with the property to the north (9.5-acres overall) to Planned Commercial Development (PCD), to allow the development of a self-storage facility (All Aboard Storage).
STATE REQUIRED LOCATIONAL CRITERIA
Florida Law requires unincorporated parcels to meet three locational criteria before a municipality may annex them. Pursuant to section 171.043(1) Florida Statues, this report certifies that the area to be annexed is: 1) contiguous to the City of Port Orange boundaries; 2) reasonably compact (does not contribute to urban sprawl); and 3) not currently part of the incorporated area of another municipality.

LAND USES, ZONING AND EXISTING USES
The subject parcels are currently vacant and front onto Taylor Road, which is an arterial road. The subject parcels are surrounded by vacant commercial land to the north, an unincorporated single-family parcel to the south, a residential parcel to the west (recently annexed property proposed to be developed as townhomes), and Crane Lakes Mobile Home Park to the east. The surrounding Future Land Use (FLU) and Zoning are shown on the attached maps (Exhibits A and B).

The County Future Land Use (FLU) and Zoning designations on the parcels will need to be changed to City of Port Orange. According to the applicant, the intent is to submit a FLU amendment to change the FLU designation for the 3.8-acres to Office/Residential Transition (ORT) and then combine the annexed parcels with an existing ±5.7-acre parcel already located within Port Orange to create a ±9.5-acre site and request the overall 9.5-acre site be zoned to City of Port Orange Planned Commercial Development (PCD). At the time of writing this report, the applicant has not officially submitted a FLU amendment or rezoning application for the subject parcels or the overall 9.5-acre property. Therefore, the density/intensity used to evaluate the annexation request represents what could be developed if the 3.8-acres had Port Orange FLU and Zoning designations similar to the current Volusia County designations.

However, as part of the annexation materials provided to City staff for their review, staff were made aware that if the annexation request is approved by the City Council, the applicant intends to submit development applications to request the FLU change for the 3.8-acres and to rezone the overall 9.5-acres to PCD, to develop a self-storage facility. City staff were asked to consider the applicants proposed development plan in their analysis and identify any possible service issues. Based on the responses received, no service issues were identified for either scenario; however, as typically completed with all FLU amendment and rezoning applications, all public facilities including roads, sewer, water, drainage, parks, and schools will be analyzed at the time the applications are submitted to verify adequate capacity to accommodate the development proposal.

IMPACT TO CITY SERVICES
A memo was sent to various City departments, including Police, Fire and Rescue, Public Utilities, Finance, Public Works, and Parks and Recreation. Based upon the responses received from the City departments and the impact analysis, there is adequate capacity to accommodate the proposed annexation of the 3.8-acres.

Potable Water, Sanitary Sewer, and Reclaimed Water
The City currently has available well and Consumptive Use Permit (CUP) capacity to serve the proposed development of the property with potable water. The City also
currently has available sewer capacity to accommodate the proposed development of the property. Reclaimed water is not available or planned for this area.

**Solid Waste**
Upon annexation, the subject property will be required to receive solid waste collection and disposal service by the City’s solid waste private contractor.

**Stormwater Management**
There is no impact to the City’s drainage system anticipated with the annexation. The City’s Comprehensive Plan and Land Development Code (LDC) require that there be no net loss of stormwater retention function as a result of development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. Any future development of the subject property will be required to address stormwater retention on the property in accordance with the LDC.

**Transportation**
There is no increase in the number of vehicular trips as a result of the 3.8-acres being annexed into the City of Port Orange. According to the latest traffic counts taken by Volusia County, capacity remains on the roadway segments adjacent to the subject property. However, any development of this property will be required to comply with the City’s concurrency management standards. The City will require the submittal of a traffic study at the time a final site plan is submitted for this property, or for an overall project that includes the subject property, to fully assess the impacts of the development on the surrounding roadway network and to identify any roadway improvements that might be needed. Similar to other developments within this area of the City, the developer may be required to enter into a Fair-Share and Concurrency Agreement with the City, and possibly Volusia County, to pay for part of the scheduled improvements for the impacted areas.

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<tr>
<th>Roadway Segment</th>
<th>Maintaining Agency</th>
<th>Adopted Level-of-Service Standard</th>
<th>Maximum Capacity</th>
<th>Vehicles per Day</th>
<th>Percentage of Roadway Capacity Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taylor Road (Williamson Blvd. to I-95)</td>
<td>Volusia County</td>
<td>C</td>
<td>47,560</td>
<td>41,380</td>
<td>87%</td>
</tr>
<tr>
<td>Taylor Road (Summer Trees Rd. to Williamson Blvd.)</td>
<td>Volusia County</td>
<td>C</td>
<td>37,970</td>
<td>15,530</td>
<td>41%</td>
</tr>
<tr>
<td>Taylor Road (Crane Lakes Blvd. to Summer Trees Rd.)</td>
<td>Volusia County</td>
<td>E</td>
<td>17,050</td>
<td>16,120</td>
<td>95%</td>
</tr>
</tbody>
</table>

Source: Volusia County 2017 Traffic Counts (most current available data)

The future development of the overall 9.5-acre site will require dedication of land to Volusia County for the ultimate 120-foot right-of-way for Taylor Road prior to approval of the site plan. The widening of Taylor Road is currently on the County’s Unfunded Needs List, which means it is not in the 5-year Work Plan, but would likely get funded prior to projects on the Long Term Plan List (possibly within 10 -15 years).
Volusia County requested that a portion of Taylor Road adjacent to the subject parcels be annexed into the City as part of this annexation. This does not change the maintenance of the roadway as Volusia County will remain the maintaining agency for Taylor Road.

Police
The Police Department did not indicate that the proposed annexation would create deficiencies in law enforcement coverage for the area.

Fire
The Fire and Rescue Department did not indicate that the proposed annexation would create difficulties in serving this area.

**RECOMMENDATION**
Based on the findings of this report, staff recommends approval of the request to annex approximately 3.8 acres (Parcels 6224-00-00-0051 and 6224-00-00-0080) along with a portion of the adjacent Taylor Road right-of-way, into the City of Port Orange.

**ATTACHMENTS**
Exhibit A – Current and Proposed Future Land Use Map
Exhibit B – Current and Proposed Zoning Map
SUBJECT: (G19) Second Reading – Ordinance No. 2018-36 - 2018 Comprehensive Plan Capital Improvements Element (CIE) Annual Update (Case No. 18-27500001)

DEPARTMENT: Community Development

GOAL: 2 - Infrastructure

RECOMMENDED MOTION: Move to approve Ordinance No. 2018-36, amending the Capital Improvements Element of the City’s Comprehensive Plan, in accordance with Florida Statutes.

SUMMARY: PLANNING COMMISSION ACTION 11/15/18: Recommended approval

Each year, the City is required to amend their Comprehensive Plan Capital Improvements Element (CIE) to include projects from the City’s current Capital Improvements Program (CIP). The projects copied from the CIP are primarily improvements needed to maintain the City’s adopted level of service (LOS) standards for public facilities. These facilities include water, sewer, stormwater, solid waste, roads, parks, and schools. On September 19, 2018, the City Council approved the Capital and Operating Budgets which included the CIP for FY 18/19 – 23/24 dated August 7, 2018 containing various projects to support the LOS for City public facilities (Resolution No. 18-38 and 18-39). The proposed amendments take these projects previously approved by Council with the CIP and adds them into the CIE. All of the required public facilities meet the City’s adopted level of service standards.

State law requires that local governments update their Comprehensive Plan Capital Improvements Element (CIE) every year to show that they have funded or planned to fund the public facility improvements needed to support their population. The proposed amendments in Exhibit A are required to be in the underline/strikethrough format. For each table or text that is to be updated from the prior year (FY17/18 – 22/23) to the current year CIP (FY18/19 – 23/24) the deleted prior year text is struck through and the added current year text is underlined. Text neither struck through nor underlined remains as existing text.

Project No.: Funding Account No.: 

Presenter: 

ATTACHMENTS:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Staff Report</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 2018-36

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR THE FY2019-2024 FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AND SUPPORTING DATA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after careful review, the Planning Commission, sitting as the Local Planning Agency, has forwarded a recommendation to the City Council regarding the adoption of the Five Year Schedule of Capital Improvements as set forth in the Capital Improvement Element of the Comprehensive Plan for the City of Port Orange including supporting data; and

WHEREAS, Section 163.3177(3), Florida Statutes (2018) requires the City to review the Capital Improvement Element annually, together with other elements or sub-elements that are directly related to the Five Year Schedule of Capital Improvements; and

WHEREAS, the attached documents incorporate data from the Transportation Planning Organization (TPO) Transportation Improvements Program (TIP) and the Volusia County School District Five-Year Work Program; and

WHEREAS, the City Council has provided an opportunity to receive comments and proposals from the general public with regard to the adoption of the Five Year Schedule of Capital Improvements; and
WHEREAS, the City has determined that this ordinance may be published in accordance with Section 166.041(3)(a), Florida Statutes (2018); and

WHEREAS, the City Council has received comments on the proposed amendment to the Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 2. The City Council hereby adopts an amendment setting forth the Five Year Schedule of Improvements for the Capital Improvements Element for the Comprehensive Plan City of Port Orange 2010-2025, as attached hereto as Exhibit “A”, and incorporated herein by this reference.

Section 3. The Community Development Director or designee is hereby authorized to transmit copies of the proposed amendment to the Capital Improvement Element of the Comprehensive Plan City of Port Orange 2010-2025 to the appropriate agencies and to any other unit of local government.

Section 4. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved: Shannon K. Balmer, Assistant City Attorney
Exhibit A

Annual Update to the Capital Improvements Element

Strikethrough indicates text is to be deleted; Underline indicates text is to be added

Please Note: No changes after page 10-21
COMPREHENSIVE PLAN

CAPITAL IMPROVEMENTS ELEMENT

Policy Document
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**INVENTORY OF MAPS**

**Figure 10 – 1 Capital Improvement Projects**
INTRODUCTION

Under the 1985 Growth Management Act, local governments are mandated to plan for the availability of public facilities and services to support development and the impacts of such development. The purpose of the Capital Improvements Element (CIE) and the Capital Improvements Schedule (Schedule) is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that the adopted Level of Service (LOS) Standards are achieved and maintained for concurrency related facilities.

The 2005 Growth Management Act requires the Schedule to be financially feasible. As defined by Chapter 163.3164(32) F.S., in order for a Schedule to be financially feasible it must demonstrate that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5. These revenues must be adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted LOS standards are achieved and maintained within the period covered by the 5-year Schedule. The requirement that LOS standards be achieved and maintained does not apply if the proportionate-share process set forth in Chapter 163.3180(12) and (16), F.S., is used.

This Element, intended to demonstrate the financial feasibility of the City of Port Orange's Comprehensive Plan, commences in the fiscal year 2017/2018 and identifies potential projects for the initial five-year planning period. Individual Capital Improvement needs identified in this Element are, for the most part, those improvements which cost $25,000 or more and are generally non-recurring purchase items. The capital improvements identified in the other Elements of this Comprehensive Plan are listed with a brief description in Table 1 along with their estimated cost, funding source, and projected year of expenditure. The improvements are listed by type of service, related to the various Elements of the Comprehensive Plan. The Capital Improvements Element addresses existing and future capital improvements needed for at least the first five fiscal years after the adoption of the comprehensive plan. Therefore, Table 1 lists improvements identified for the years 2018-2023.

The capital improvements projects listed in Table 1 are not inclusive of all anticipated capital expenditures by the City during the designated time period. For the most part, the list of improvements has been limited to the capital projects required to meet or maintain adopted LOS standards or implement the Goals, Objectives, and Policies of the Comprehensive Plan. Improvements on a smaller scale (generally under $25,000 in cost) are outlined in the City's five-year Capital Improvement Program and annual budget as they are needed over time.
## CAPITAL IMPROVEMENTS ELEMENT

### TABLE 1

**CAPITAL IMPROVEMENTS SCHEDULE**

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WATER</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>029408 Water System</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement/ Upsizing</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>600,000</td>
<td>400,000</td>
<td>400,000</td>
<td>500,000</td>
<td>3,900,000</td>
</tr>
<tr>
<td>Water/Sewer Operating (401)</td>
<td>450,000</td>
<td>450,000</td>
<td>400,000</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>1,900,000</td>
</tr>
<tr>
<td>Water/Sewer R&amp;R (403)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Impact Fee (405)</td>
<td>550,000</td>
<td>250,000</td>
<td>150,000</td>
<td>100,000</td>
<td>150,000</td>
<td>250,000</td>
<td>850,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>600,000</td>
<td>400,000</td>
<td>400,000</td>
<td>500,000</td>
<td>3,900,000</td>
</tr>
</tbody>
</table>

Planned replacement of undersized galvanized steel piping in older sections of the city and peninsula area. Target areas to be accomplished based on current priorities. (Consistent w/ Comp Plan: Pot. Water, Policy 1.1, 2.6 and 2.7)

| 029409 Water System | | | | | | | |
| Extensions/Upsizing | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 700,000 |
| Water Impact Fee (405) | 50,000 | 50,000 | 50,000 | 450,000 | 50,000 | 50,000 | 700,000 |
| **Total** | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 700,000 |

Provide water service to existing residential areas not presently served by the City and provide for greater system redundancy and looping. Additional water main installations that serve to reinforce the distribution system to eliminate or avoid areas of substandard water pressure. (Consistent w/ Comp Plan: Pot. Water, Policy 2.2, 2.4 and 2.5)

| 039493 Water Treatment Plant | | | | | | | |
| R&R - Equipment | 200,000 | 225,000 | 225,000 | 445,000 | 275,000 | 300,000 | 1,670,000 |
| Water/Sewer R&R (403) | 200,000 | 225,000 | 225,000 | 445,000 | 275,000 | 300,000 | 1,670,000 |
| **Total** | 200,000 | 225,000 | 225,000 | 445,000 | 275,000 | 300,000 | 1,670,000 |

Planned improvements for City's water treatment plant and various wells per Table 2A Water Treatment Plant Improvements. (Consistent w/ Comp Plan: Pot. Water, Policy 1.7 and San. Swr., Policy 1.6)

| 039494 Water Treatment Plant | | | | | | | |
| Plant-3 Million Gal Water Storage Tank | 300,000 | 3,000,000 | - | - | - | - | 3,300,000 |
| Water Impact Fee (405) | 300,000 | - | 2,000,000 | - | - | - | 2,300,000 |
| Future Grant/Bonds | - | 1,000,000 | - | - | - | - | 1,000,000 |
| **Total** | 300,000 | 3,000,000 | - | - | - | - | 3,300,000 |

The water plant produces and distributes an average of 6 million gallons per day of drinking water. The plant has one water storage tank that holds 1 million gallons. The tank was constructed in 1983. There are three storage tanks located throughout the City to store a total of 4.5 million gallons of water. In order to ensure water can be produced and distributed continuously from the treatment plant, an additional storage tank needs to be constructed. It is recommended that a three million gallon tank be constructed on the property adjacent to the water plant. The City owns the property. The existing pumping equipment would be sufficient to distribute the water from the new tank. Since this is an expansion of service to our customers, water impact fee funds could be used. (Consistent w/ Comp Plan: Pot. Water, Objectives 1 & 2, Policy 2.1)

| 039495 Water Treatment Plant | | | | | | | |
| Plant-Raw Water Main Replacement | 300,000 | 3,000,000 | - | - | - | - | 3,300,000 |
| Water/Sewer R&R (403) | 300,000 | 3,000,000 | - | - | - | - | 3,300,000 |
| **Total** | 300,000 | 3,000,000 | - | - | - | - | 3,300,000 |

There is currently only one pipeline from the wellfield on Shuntz Road to the Garnsey Water Treatment Plant. This pipeline provides 80% of the well water into the treatment plant. The 30-inch diameter, 5 mile long pressurized concrete pipeline has been in service over 30 years. It is a specialty pipe that staff cannot repair in house. In fact, there are very few specialty firms that can repair this type of pipeline. Should the pipe fail, damages would be significant to the surrounding area and significantly impair the treatment plants ability to supply drinking water to the customers. This project would provide a secondary pipeline to the treatment plant to provide reliability on the system. (Consistent w/ Comp Plan: Pot. Water, Objectives 1 & 2)

| SANITARY SEWER | | | | | | | |
| 049467 Sewer System Rehabilitation | 750,000 | 750,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 5,500,000 |
| Water/Sewer Operating (401) | 750,000 | 750,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 5,500,000 |
| **Total** | 750,000 | 750,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 5,500,000 |

Rehabilitation of aging sewer collection system, especially areas with clay pipe. Reduce inflow and infiltration per Table 2C Sewer System Rehabilitation. (Consistent w/ Comp Plan: San. Swr., Policy 1.5 and 4.3)

| 039664 Water Reclamation | | | | | | | |
| Facility R&R | 350,000 | 885,000 | 900,000 | 925,000 | 950,000 | 500,000 | 4,510,000 |
| Water/Sewer Operating (401) | 350,000 | 885,000 | 900,000 | 925,000 | 950,000 | 500,000 | 4,510,000 |
| Water/Sewer R&R (403) | 150,000 | 885,000 | 900,000 | 925,000 | 950,000 | 500,000 | 4,310,000 |
| **Total** | 350,000 | 885,000 | 900,000 | 925,000 | 950,000 | 500,000 | 4,510,000 |

Scheduled facility repair and equipment replacement of electrical and mechanical system components for the City's wastewater treatment plant per Table 2D Wastewater Treatment Plant Improvements. (Consistent w/ Comp Plan: Pot. Water, Policy 1.1 and 2.6 along with San. Swr, Policy 1.6)

---

**TOTAL - WATER** | 1,850,000 | 4,275,000 | 3,875,000 | 1,295,000 | 725,000 | 850,000 | 12,870,000 |

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Page 10 - 3
### CAPITAL IMPROVEMENTS ELEMENT

#### 038972 Water Reuse Program
- **Sewer Impact Fee (405)**: 330,000
- **Future Grant/Bonds**: -
- **Total**: 330,000

A three million gallon ground storage tank with pump station to provide additional reuse supply for irrigation and minimize discharge to the Halifax River. Location to be identified in utility master plan. Staff will apply for grant funding. Current grant funding from SFRWMD is 33% for shovel ready projects. (Consistent w/ Comp Plan: San. Swr., Objective 2)

#### 089409 Sewer System
- **Expansion**
  - **Sewer Impact Fee (405)**: 330,000
  - **Future Grant/Bonds**: -
  - **Total**: 330,000

Sewer system construction at locations that are currently on septic. The locations and the priorities will be determined by the Wide Trim study, scheduled for completion June 2017. (Consistent w/ Comp Plan: San. Swr., Policy 2.2 and 2.3)

#### WATER & SANITARY SEWER
- **TOTAL - SANITARY SEWER**
  - **WATER & SANITARY SEWER**
    - **City Cost Participation**: 1,700,000
    - **Water Impact Fee (405)**: 4,935,000
    - **Sewer Impact Fee (405)**: 7,900,000
    - **Total**: 22,910,000

Citywide annual cost participation program with new development to upsize various water and sewer lines, extension of various mains, upsizing of lift stations, and other miscellaneous items. (Consistent w/ Comp Plan: San. Swr., Policy 4.2 and Pot. Water, Policy 2.5 & 2.7)

#### TRANSPORTATION
- **430201 Road Program**
  - **Capital Projects (301)**: 800,000
  - **Total**: 4,800,000

Annual citywide resurface program for existing streets and collector roads, per Table 1E Street Resurfacing Projects. (Consistent w/ Comp Plan: Transp. Objective 2.14 and 2.7)

#### PNC007 Yorktowne Blvd
- **Middle Segment**
  - **Prop. Fair Share /Other Grant**: 675,000
  - **Total**: 675,000

Estimated project cost is $2,400,000. Currently, $1,725,000 has been funded in previous fiscal years. This project is proposed as a 4-lane divided curb and gutter section designed to City standards. It is composed of 1600’ of 4 land roadway and 800’ of improvements in the existing 2-3 lane section to the south of Hidden Lakes Drive, including turn lanes and transition tapers in the existing Yorktowne Blvd. and Hidden Lakes section. (Consistent w/ Comp Plan: Transp. Objective 2.7, 2.9, 2.13 and 2.14)

#### 200905 Williamson Blvd. N. of Pavilion
- **Developer Fairshare Contr.**
  - **Planned**: -
  - **Total**: -

This project involves adding 2 lanes to the existing 2 lane Williamson Blvd. roadway from the north boundary of the Pavilion project north to Townwest Blvd., a 0.53-mile section. Project cost estimates are based on construction of an additional 2 travel lanes within the existing right-of-way with minimal impact to the existing roadway. The new construction will require stormwater treatment and it will be necessary to acquire an estimated 1 acre of off-site property for this purpose. (Consistent w/ Comp Plan: Transp. Objective 2.6, 2.7, 2.13, 2.14)

#### 200907 Coraci Blvd. Extension
- **Developer Fairshare Contr.**
  - **Planned**: -
  - **Total**: -

This project involves construction of a 1/2 mile 2-lane divided roadway extending Coraci Blvd. 2600’ from the northwest corner of Crane Lakes to Forest Lakes subdivision within the existing undeveloped right-of-way. Drainage improvements are projected to be constructed in the right-of-way. This will serve as an alternate route and reliever route for traffic generated by the Forest Lakes subdivision and to a lesser extent to Coquina Cove and reduce impacts on Taylor Road. This roadway is indicated as a future collector road in the Comprehensive Plan. (Consistent w/ Comp Plan: Transp. Objective 2.7, 2.10, and 2.14)

#### 201008 Yorktowne Blvd North Section (Nautica Lakes)
- **Developer Fairshare Contr.**
  - **Planned**: -
  - **Total**: -

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
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<tbody>
<tr>
<td>038972 Water Reuse Program</td>
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<td>-</td>
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<td>3,300,000</td>
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<td>089409 Sewer System Expansion</td>
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<td>-</td>
<td>-</td>
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<td>430201 Road Program</td>
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<td>675,000</td>
<td>-</td>
<td>-</td>
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<td>675,000</td>
</tr>
<tr>
<td>200905 Williamson Blvd. N. of Pavilion</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>220,000</td>
<td>261,000</td>
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<td>200907 Coraci Blvd. Extension</td>
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<td>2,407,000</td>
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<tr>
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<td>-</td>
<td>1,200,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,200,000</td>
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</table>

TOTAL: 22,910,000
This project is proposed as either a 2-lane or 4-lane divided curb and gutter road designed to major collector street standards. The roadway design is complete and was done in conjunction with the Nautica Lakes development. This improvement is required to complete the Yorktowne Blvd, connection between Hidden Lakes Dr. and Willow Run Blvd. Completion of these sections would redirect traffic and relieve congestion at the 1-95/Dunlawton Ave, intersection and Williamson Boulevard, south of Willow Run Boulevard. (Consistent w/ Comp Plan: Transp. Objective 2.7, 2.9, 2.13 and 2.14)

### 201439 Halifax River Outfall

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
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A 1/4-mile segment of Willow Run east of Williamson Boulevard to the proposed intersection of the Yorktowne Boulevard extension will need to be improved to accommodate future traffic flows diverted from Williamson Boulevard and future traffic on the new Yorktowne north extension. A traffic circle or other improvements at the Willow Run/Yorktowne intersection will be considered as part of the design. (Consistent w/ Comp Plan: 2.7, 2.9, 2.13, and 2.14)

### 201015 Willow Run Boulevard Widening

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
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</table>

This project consists of a proposal to construct a right turn lane on Dunlawton Avenue at the intersection with Center Parkway to improve traffic flow and reduce delays for turning vehicles and Dunlawton Avenue through vehicles. No additional right-of-way should be needed for this project. The project will add roadway capacity at the intersection and reduce delays for westbound Dunlawton Avenue vehicles turning right. (Consistent w/ Comp Plan: Transp. Objective 2.7, Policy 2.7.3)

### 201647 WB Dunlawton Ave Right Turn Lane and City Cir

<table>
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<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
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</tbody>
</table>

This project consists of a proposal to construct a right turn lane on eastbound Dunlawton Avenue at the intersection with Clyde Morris Boulevard to improve traffic flow and reduce delays for turning vehicles and through vehicles. No additional right-of-way should be needed for this project. The project will add roadway capacity at the intersection and reduce delays for eastbound vehicles turning right. (Consistent w/ Comp Plan: 2.7, 2.9, 2.13, and 2.14)

### 201750 EB Dunlawton Ave Right Turn Lane at Clyde Morris Blvd.

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
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</table>

This project consists of a proposal to construct a right turn lane on westbound Dunlawton Avenue at the intersection with Nova Road to improve traffic flow and reduce delays for turning vehicles and through vehicles. No additional right-of-way should be needed for this project. The project will add roadway capacity at the intersection and reduce delays for westbound vehicles turning right. (Consistent w/ Comp Plan: 2.7, 2.9, 2.13, and 2.14)

### 201751 WB Dunlawton Ave Right Turn Lane at Nova Rd.

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
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</tbody>
</table>

This project consists of a proposal to construct a right turn lane on westbound Dunlawton Avenue at the intersection with Nova Road to improve traffic flow and reduce delays for turning vehicles and through vehicles. No additional right-of-way should be needed for this project. The project will add roadway capacity at the intersection and reduce delays for westbound vehicles turning right. (Consistent w/ Comp Plan: 2.7, 2.9, 2.13, and 2.14)

### 201856 EB Herbert St. Left Turn Lane at Nova

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
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</table>

The project consists of looking at options to modify the intersection of Nova Road and Herbert Street to improve movement through the intersection. The intersection experiences congestion throughout the day, most notably in the morning and late afternoon. Additional right-of-way is anticipated to be needed for any intersection improvements.

- **Option 1:** Extend the stacking area for the existing left-turn lane on eastbound Herbert Street at Nova Road, realigning the westbound Herbert Street travel lane, along with necessary improvements to the intersection.
- **Option 2:** Modify eastbound Herbert Street at Nova Road to create a left-turn lane, right-turn lane, and a thru lane. Also, realigning the westbound Herbert Street travel lane and realigning the westbound Herbert Street travel lane, along with necessary improvements to the intersection.
- **Option 3:** Other modifications or design alternatives that the consultant, selected by the TPO to prepare the Feasibility Study, can recommend to improve movement through the intersection, specifically for vehicles turning onto Nova Road and Herbert Street. (Consistent w/ Comp Plan: Transp. Objective 2.7, Policy 2.7.3)

### TOTAL TRANSPORTATION

<table>
<thead>
<tr>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
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### DRAINAGE

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<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
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- **Drainage Fund 412**: $471,000
- **Total**: $1,713,000
### CAPITAL IMPROVEMENTS ELEMENT

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<th>Project</th>
<th>FY 18-19</th>
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<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
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</table>

This project involves modification to the existing storm water ponds of the Southwinds neighborhood stormwater system. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)

| 201642 Howes Street Stormwater Improvements |  |  |  |  |  |  |  |
| Drainage Fund 412 | - | 724,000 | - | - | - | - | 724,000 |
| Grant Funding - Unsecured | - | 341,000 | - | - | - | - | 341,000 |
| Total | - | 1,065,000 | - | - | - | - | 1,065,000 |

Howes Street is located north of Commonwealth Boulevard and west of Ridgewood Avenue in the Allendale area of Port Orange. Howes Street experiences roadway flooding several times a year due to no drainage system to convey the stormwater runoff. Public Works has expended numerous efforts in traffic control and pumping due to the roadway flooding. The proposed solution to alleviate roadway flooding consist of constructing 25 storm inlets, +/-1,150 LF of exfiltration trenches, +/-1,610 LF of RCP pipe, and +/- 2,560 LF of curbing to collect stormwater runoff. Part of Orange Ave roadway will be re-built to eliminate low spots. The new stormwater system will be connected to the B-23 Canal at Howes Street and Westridge Avenue for discharge. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)

| 201647 Pipe Repair and Replacement |  |  |  |  |  |  |  |
| Drainage Fund 412 | 320,000 | 370,000 | 420,000 | 470,000 | 520,000 | 570,000 | 2,670,000 |
| Total | 320,000 | 370,000 | 420,000 | 470,000 | 520,000 | 570,000 | 2,670,000 |

R & R funding to Replace/repair deteriorated and/or undersized corrugated metal pipes with properly sized reinforced concrete pipe or liners to improve storm water conveyance to reduce potential for flooding. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)

| 201865 Virginia Ave and Monroe St. Drainage Basin |  |  |  |  |  |  |  |
| Drainage Fund 412 | 1,777,000 | - | - | - | - | - | 1,777,000 |
| Grants/Other | 1,394,000 | - | - | - | - | - | 1,394,000 |
| Total | 1,777,000 | - | - | - | - | - | 1,777,000 |

This project will provide solutions to address the flooding between Virginia Ave and Monroe St which will include construction of stormwater pump stations with force mains, retention ponds, and additional conveyance enhancements including pipes and inlets. The construction of the retention ponds and pumps will require the acquisition and purchase of land and relocation of utilities where needed. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)

| 201409 Tumblebrook Dr. Stormwater Improvements |  |  |  |  |  |  |  |
| Drainage Fund 412 | 186,000 | - | - | - | - | - | 186,000 |
| Total | 186,000 | - | - | - | - | - | 186,000 |

Tumblebrook Drive is located in Sweetwater Hills and is home to residential properties of 0.25 acres. Presently, Public Works staff must mobilize a pump to an isolated pond which becomes inundated during storms. The pump is 12 years old and it is deployed minimum 6 times per year to a maximum of 20 times per year. Construction of drainage improvements, pipe, and drainage structures. The project will improve drainage and stormwater quality. Engineering and design are proposed to begin in early FY2019, with construction to follow immediately thereafter. Project cost estimates do not include utility relocations or easement acquisitions if needed. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)

| 201762 Viking Drive Stormwater Improvements Design |  |  |  |  |  |  |  |
| Drainage Fund 412 | - | - | - | 30,000 | - | - | 30,000 |
| Total | - | - | - | 30,000 | - | - | 30,000 |

Presently, Viking Drive does not have a stormwater system in place, and the localized depression area near 112 Viking Drive experiences standing water over the roadway during most rain events. This project consists of designing and permitting stormwater improvements within Viking Drive area. Construction cost estimates to follow completion of the design. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)

| 201763 Charles Street Drainage Improvements |  |  |  |  |  |  |  |
| Drainage Fund 412 | 110,000 | - | 730,000 | - | - | - | 840,000 |
| Total | 110,000 | - | 730,000 | - | - | - | 840,000 |
**CAPITAL IMPROVEMENTS ELEMENT**

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 17-18</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
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<td>5,035,000</td>
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</table>

**Analysis, design, and construction for drainage between Herbert Street, Charles Street and Oceans Avenue drainage system to improve stormwater runoff conveyance, stormwater capacity, conveyances, and to reduce the potential for flooding. This will require removing the existing inadequate storm pipe between Herbert Street and Charles Street and replacing the pipe. (Consistent w/ Comp Plan: Pot. Water, Policy 1.1, 2.6 and 2.7)**

**TOTAL - DRAINAGE**

<table>
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<th>Total</th>
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**TOTAL - CAPITAL IMPROVEMENTS**

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**TOTAL - WATER**

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**SANITARY SEWER**

**TOTAL - WATER**

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**SANITARY SEWER**

**TOTAL - WATER**

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**CAPITAL IMPROVEMENTS ELEMENT**

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<td>Sewer Impact Fee (405)</td>
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<td>225,000</td>
</tr>
</tbody>
</table>

Utility improvements/replacements/upgrades along the east side of Ridgewood Avenue north of Oceans Avenue. Gravity sewer line and four manholes to eliminate a pump station and upsizing an existing 6" water line to 8" water line. To be constructed in conjunction with the Riverwalk 1B Phased Project. (Consistent w/ Comp Plan: FLU, Policy 5.2.1; Pot. Water, Policy 2.7; San. Swr. 4.2 and 4.3)

| 089409 Sewer System Expansion | 300,000 | 300,000 | 3,000,000 | 3,000,000 | - | - | 6,600,000 |
| Sewer Impact Fee (405) | 300,000 | 300,000 | 2,000,000 | 2,000,000 | - | - | 4,600,000 |
| Future Grant/Bonds | - | - | 1,000,000 | 1,000,000 | - | - | 2,000,000 |
| **Total** | 300,000 | 300,000 | 3,000,000 | 3,000,000 | - | - | 6,600,000 |

Sewer system construction at locations that are currently on septic. The locations and the priorities will be determined by the Wide Trim study, scheduled for completion June 2017. (Consistent w/ Comp Plan: Transp. Objective 2.14 and 2.7)

| WATER & SANITARY SEWER | 1,300,000 | 2,410,000 | 4,875,000 | 4,900,000 | 1,925,000 | 1,950,000 | 17,360,000 |
| Citywide annual cost participation program with new development to upsize various water and sewer lines, extension of various mains, upsizing of lift stations, and other miscellaneous items. (Consistent w/ Comp Plan: San. Swr., Policy 4.2 and Pot. Water, Policy 2.5 & 2.7) |

| 038710 City-Cost Participation | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 600,000 |
| Water Impact Fee (405) | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 300,000 |
| Sewer Impact Fee (405) | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 300,000 |
| **Total** | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 600,000 |

Citywide annual cost participation program with new development to upsize various water and sewer lines, extension of various mains, upsizing of lift stations, and other miscellaneous items. (Consistent w/ Comp Plan: San. Swr., Policy 2.2. and 2.3)

| TRANSPORTATION | 430201 Road Program | 800,000 | 800,000 | - | - | - | 1,600,000 |
| Capital Projects (301) | 800,000 | 800,000 | - | - | - | - | 1,600,000 |
| **Total** | 800,000 | 800,000 | - | - | - | - | 1,600,000 |

Annual citywide resurface program for existing streets and collector roads, per Table 1E Street Resurfacing Projects. (Consistent w/ Comp Plan: Transp. Objective 2.14 and 2.7)

| Yorktowne Blvd Middle Segment | - | 675,000 | - | - | - | - | 675,000 |
| Prop. Fair Share / Other Grant | - | 675,000 | - | - | - | - | 675,000 |
| **Total** | - | 675,000 | - | - | - | - | 675,000 |

Estimated project cost is $2,400,000. Currently, $1,725,000 has been funded in previous fiscal years. This project is proposed as a 4-lane divided curb and gutter section designed to Volusia County standards. It is composed of 1600' of 4-lane roadway and 800' of improvements in the existing 2-lane section to the south of Hidden Lakes Drive, including turn lanes and transition tapers in the existing Yorktowne Blvd. and Hidden Lakes section. (Consistent w/ Comp Plan: Transp. Objective 2.7, 2.9, 2.13 and 2.14)

| 200905 Williamson Blvd. N. of Pavilion | - | - | 220,000 | 261,000 | 2,200,000 | 2,681,000 |
| Developer Fairshare Contr. (Planned) | - | - | 220,000 | 261,000 | 2,200,000 | 2,681,000 |
| **Total** | - | - | 220,000 | 261,000 | 2,200,000 | 2,681,000 |

This project involves adding 2 lanes to the existing 2 lane Williamson Blvd. roadway from the north boundary of the Pavilion project north to Townwest Blvd., a 0.53-mile section. Project cost estimates are based on construction of an additional 2 travel lanes within the existing right of way with minimal impact to the existing roadway. The new construction will require stormwater treatment and it will be necessary to acquire an estimated 1 acre of off-site property for this purpose. (Consistent w/ Comp Plan: Transp. Objective 2.6, 2.7, 2.13, and 2.14)
### Project FY 17-18 FY 18-19 FY 19-20 FY 20-21 FY 21-22 FY 22-23 Total

#### 200907 Coraci Blvd. Extension
- **Total:**
  - 257,000
  - 2,150,000
  - 2,407,000
  - 2,407,000

This project involves construction of a 1/2 mile 2-lane divided roadway extending Coraci Blvd. 2600’ from the south limits of Coquina Cove III to Carmody Lake Drive within the existing undeveloped right-of-way. Drainage improvements are projected to be constructed in the right-of-way. This will serve as an alternate route and reliever route for traffic generated by the Forest Lakes subdivision and to a lesser extent to Coquina Cove and reduce impacts on Taylor Road. This roadway is indicated as a future collector road in the Comprehensive Plan. (Consistent w/ Comp Plan: Transp. Objective 2.7, 2.10, and 2.14)

#### 201008 Yorktowne Blvd North Section (Nautica Lakes)
- **Total:**
  - 1,200,000
  - 1,200,000

This project is proposed as a 4-lane divided curb-and-gutter section designed to the Volusia County standards. The roadway design is complete and was done in conjunction with the Nautica Lakes development. This improvement is required to complete the Yorktowne Boulevard connection between Hidden Lakes Drive and Willow Run Boulevard. (Consistent w/ Comp Plan: Transp. Objective 2.7, 2.9, 2.13 and 2.14)

#### 201015 Willow Run Boulevard Widening
- **Total:**
  - 25,000
  - 200,000
  - 1,125,000
  - 1,350,000

A ¼-mile segment of Willow Run east of Williamson Boulevard to the proposed intersection of the Yorktowne Boulevard extension will need to be improved to accommodate future traffic flows diverted from Williamson Boulevard and future traffic on the new Yorktowne north extension. A traffic circle or other improvements at the Willow Run/Yorktowne intersection will be considered as part of the design. (Consistent w/ Comp Plan: Transp. Objective 2.7, 2.9, 2.13, and 2.14)

#### 201647 WB Dunlawton Ave Right Turn Lane and City Cir Pkwy
- **Total:**
  - 314,000

This project consists of a proposal to construct a westbound right turn lane on Dunlawton Avenue at the intersection with City Center Parkway to improve traffic flow and reduce delays for turning vehicles and Dunlawton Avenue through vehicles. No additional right-of-way should be needed for this project. The project will add roadway capacity at the intersection and reduce delays for westbound Dunlawton Avenue vehicles turning right. (Consistent w/ Comp Plan: Transp. Objective 2.7, Policy 2.7.3)

#### 201750 Eastbound Dunlawton Ave Right Turn Lane at Clyde Morris Blvd.
- **Total:**
  - 603,000

This project consists of a proposal to construct a right turn lane on eastbound Dunlawton Avenue at the intersection with Clyde Morris Boulevard to improve traffic flow and reduce delays for turning vehicles and through vehicles. No additional right-of-way should be needed for this project. The project will add roadway capacity at the intersection and reduce delays for eastbound vehicles turning right. (Consistent w/ Comp Plan: Transp. Objective 2.7, Policy 2.7.3)
### Project FY 17-18 FY 18-19 FY 19-20 FY 20-21 FY 21-22 FY 22-23 Total

<table>
<thead>
<tr>
<th>Project</th>
<th>Capital Projects (301)</th>
<th>General Capital Replacement (317)</th>
<th>TPO Funds</th>
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<tbody>
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<td>- 63,000</td>
<td>- 260,000</td>
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<td>- 7,000</td>
<td>- 63,000</td>
<td>- 260,000</td>
</tr>
<tr>
<td>TPO Funds</td>
<td>- 7,000</td>
<td>- 7,000</td>
<td>- 63,000</td>
<td>- 260,000</td>
</tr>
</tbody>
</table>

This project consists of a proposal to construct a right turn lane on westbound Dunlawton Avenue at the intersection with Nova Road to improve traffic flow and reduce delays for turning vehicles and through vehicles. No additional right-of-way should be needed for this project. The project will add roadway capacity at the intersection and reduce delays for westbound vehicles turning right. (Consistent w/ Comp Plan: Transp. Objective 2.7, Policy 2.7.3)

### Project FY 17-18 FY 18-19 FY 19-20 FY 20-21 FY 21-22 FY 22-23 Total

<table>
<thead>
<tr>
<th>Project</th>
<th>Capital Projects (301)</th>
<th>General Capital Replacement (317)</th>
<th>TPO Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>201856 Eastbound Herbert St. Left Turn Lane at Nova Rd.</td>
<td>15,000 60,000 330,000</td>
<td>- 60,000</td>
<td>- 270,000</td>
<td>- 395,000</td>
</tr>
<tr>
<td>Capital Projects (301)</td>
<td>2,000 6,000 74,000</td>
<td>- 60,000</td>
<td>- 270,000</td>
<td>- 67,000</td>
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<td>TPO Funds</td>
<td>13,000 45,000 270,000</td>
<td>- 45,000</td>
<td>- 270,000</td>
<td>- 328,000</td>
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<tr>
<td>Total</td>
<td>15,000 60,000 330,000</td>
<td>- 60,000</td>
<td>- 270,000</td>
<td>- 395,000</td>
</tr>
</tbody>
</table>

This project consists of a proposal to construct an extension to the existing eastbound left turn lane on Herbert Street at the intersection with Nova Road to improve traffic flow and reduce delays for turning vehicles and Herbert Street eastbound through vehicles. Additional right-of-way is anticipated to be necessary for this project. The project will add roadway capacity at the intersection and reduce delays for eastbound Herbert Street vehicles traveling through or turning left or right onto Nova Road. (Consistent w/ Comp Plan: Transp. Objective 2.7, Policy 2.7.3)

### Project FY 17-18 FY 18-19 FY 19-20 FY 20-21 FY 21-22 FY 22-23 Total

<table>
<thead>
<tr>
<th>Project</th>
<th>Capital Projects (301)</th>
<th>General Capital Replacement (317)</th>
<th>TPO Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>201860 Madeline Ave Median and Turn Ln Project</td>
<td>15,000 60,000 344,000</td>
<td>- 60,000</td>
<td>- 270,000</td>
<td>- 419,000</td>
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<tr>
<td>Capital Projects (301)</td>
<td>2,000 6,000 74,000</td>
<td>- 60,000</td>
<td>- 270,000</td>
<td>- 82,000</td>
</tr>
<tr>
<td>TPO Funds</td>
<td>13,000 54,000 270,000</td>
<td>- 54,000</td>
<td>- 270,000</td>
<td>- 337,000</td>
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<tr>
<td>Total</td>
<td>15,000 60,000 344,000</td>
<td>- 60,000</td>
<td>- 270,000</td>
<td>- 419,000</td>
</tr>
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</table>

This project consists of modifying the existing median in Madeline Avenue, west of Clyde Morris Boulevard and the eastbound Madeline Avenue left turn lane to improve traffic flow, reduce delays for turning vehicles, reduce maintenance cost, and improve intersection safety. Additional right-of-way is not anticipated for this project. The City submitted the project for TPO funding in Spring 2017. (Consistent w/ Comp Plan: Transp. Objective 2.7, Policy 2.7.3)

### DRAINAGE

<table>
<thead>
<tr>
<th>Project</th>
<th>Capital Projects (301)</th>
<th>General Capital Replacement (317)</th>
<th>TPO Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>201754 Yorktowne Blvd Sidewalk Drainage Improvements</td>
<td>120,000</td>
<td>- 120,000</td>
<td>- 120,000</td>
<td>- 120,000</td>
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<tr>
<td>Drainage Fund 412</td>
<td>120,000</td>
<td>- 120,000</td>
<td>- 120,000</td>
<td>- 120,000</td>
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<tr>
<td>Total</td>
<td>120,000</td>
<td>- 120,000</td>
<td>- 120,000</td>
<td>- 120,000</td>
</tr>
</tbody>
</table>

The sidewalks on Yorktowne Boulevard between Bourbon Street and Hidden Lakes Drive experience standing water over the sidewalks after most rain events due to the grade of the sidewalk being below the stormwater retention (swale) area of the City's right-of-way. The project would consist of analysis, design, and construct drainage improvements or to design and remove the existing sidewalk and change the existing grade to bring the construction of the new sidewalk above the grade of the retention (swale) area of the City's right-of-way. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)

<table>
<thead>
<tr>
<th>Project</th>
<th>Capital Projects (301)</th>
<th>General Capital Replacement (317)</th>
<th>TPO Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>201865 Virginia Ave and Monroe St. Drainage Basin</td>
<td>2,010,000 679,000</td>
<td>- 679,000</td>
<td>- 2,689,000</td>
<td></td>
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<tr>
<td>Drainage Fund 412</td>
<td>297,000 329,000</td>
<td>- 329,000</td>
<td>- 626,000</td>
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<tr>
<td>Grants/Other</td>
<td>1,713,000 350,000</td>
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TOTAL TRANSPORTATION **862,000** **3,409,000** **1,190,000** **814,000** **1,643,000** **4,350,000** **12,268,000**
### Capital Improvements Element

#### 2018-19 Storm Water Master Plan Phase II

<table>
<thead>
<tr>
<th>Project</th>
<th>FY-17-18</th>
<th>FY-18-19</th>
<th>FY-19-20</th>
<th>FY-20-21</th>
<th>FY-21-22</th>
<th>FY-22-23</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>2,010,000</td>
<td>679,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,689,000</td>
</tr>
</tbody>
</table>

*This project will provide solutions to address the flooding between Virginia Ave and Monroe St which will include construction of stormwater pump stations with force mains, retention ponds, and additional conveyance enhancements including pipes and inlets. The construction of the retention ponds and pumps will require the acquisition and purchase of land and relocation of utilities where needed. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)*

#### 2018-19 Riverwalk Park

<table>
<thead>
<tr>
<th>Project</th>
<th>FY-17-18</th>
<th>FY-18-19</th>
<th>FY-19-20</th>
<th>FY-20-21</th>
<th>FY-21-22</th>
<th>FY-22-23</th>
<th>Total</th>
</tr>
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<tr>
<td>Total</td>
<td>380,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>380,000</td>
</tr>
</tbody>
</table>

*The Stormwater Master plan update will identify corrective measures to alleviate existing deficiencies in the system and proactively plan for new improvements needed to accommodate future development. The Stormwater Master Plan will help prioritize spending for future capital drainage projects and ensure existing stormwater drainage systems are adequately and proactively maintained. The current estimated cost to update the Stormwater Master Plan is $605,000.00. Phase 1 of the plan began in Fiscal Year 2016 at a cost of $247,340.00. This phase only included the Eastern Basin and the vicinity of District I and IV. Phase 2 of the plan is anticipated to begin in Fiscal Year 2018 at a cost of $380,000.00. (Consistent w/ Comp Plan: Drainage, Policy 1.2 through 1.4)*

#### Total - Drainage

<table>
<thead>
<tr>
<th>FY-17-18</th>
<th>FY-18-19</th>
<th>FY-19-20</th>
<th>FY-20-21</th>
<th>FY-21-22</th>
<th>FY-22-23</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,510,000</td>
<td>679,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>3,189,000</td>
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</table>

#### Total - Recreation

<table>
<thead>
<tr>
<th>FY-17-18</th>
<th>FY-18-19</th>
<th>FY-19-20</th>
<th>FY-20-21</th>
<th>FY-21-22</th>
<th>FY-22-23</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>100,000</td>
<td>1,500,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,600,000</td>
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</tbody>
</table>

*The City Council and Town Center CRA have placed a priority on developing a public park at Riverwalk. This predominately passive public park area is envisioned to be a community open space that will enhance Port Orange's image as a waterfront community. (Consistent w/ Comp Plan: Recreation Future Facilities Table; Policy 1.5; Policy 5.4; Figure 6-1)*

#### Total - Capital Improvements

<table>
<thead>
<tr>
<th>FY-17-18</th>
<th>FY-18-19</th>
<th>FY-19-20</th>
<th>FY-20-21</th>
<th>FY-21-22</th>
<th>FY-22-23</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,747,000</td>
<td>9,348,000</td>
<td>7,440,000</td>
<td>6,884,000</td>
<td>4,768,000</td>
<td>7,125,000</td>
<td>41,312,000</td>
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</tbody>
</table>

Source: City of Port Orange, Department of Finance, Department of Community Development, 2017-2018
## CAPITAL IMPROVEMENTS ELEMENT

### TABLE 2
TRANSPORTATION PROPORTIONATE FAIR-SHARE AGREEMENTS BY PROJECT

<table>
<thead>
<tr>
<th>Developer 1: Dunlawton / Taylor at I-95</th>
<th>Development</th>
<th>Agreement Approval</th>
<th>Date of Contribution</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intervest Construction, Inc</td>
<td>Waters Edge Phase 9A and 11</td>
<td>08/17/04</td>
<td>01/26/06</td>
<td>50,000</td>
</tr>
<tr>
<td>Centerline Homes (Prev. Olson Assoc 4/25/06)</td>
<td>Port Orange Landings Phase I</td>
<td>03/29/05</td>
<td>03/29/05</td>
<td>32,878</td>
</tr>
<tr>
<td>Tomoka Farms Dev, LLC (DR Horton)</td>
<td>Coquina Cove Phase I</td>
<td>04/19/05</td>
<td>04/19/05</td>
<td>104,242</td>
</tr>
<tr>
<td>Airport Pharmacy LLC (Charles Wayne)</td>
<td>Walgreens at Taylor Road</td>
<td>08/16/05</td>
<td>02/23/07</td>
<td>13,763</td>
</tr>
<tr>
<td>Villages of Royal Palm (Winston-James)</td>
<td>Royal Palm PUD, Phase III</td>
<td>11/15/05</td>
<td>11/15/05</td>
<td>54,797</td>
</tr>
<tr>
<td>D.R. Horton</td>
<td>Port Orange Plantation Phase II</td>
<td>11/15/05</td>
<td>11/15/05</td>
<td>32,878</td>
</tr>
<tr>
<td>Holiday Builders</td>
<td>Port Orange Landings, Phase II</td>
<td>03/21/06</td>
<td>09/27/07</td>
<td>41,034</td>
</tr>
<tr>
<td>Viscomi and Associates (Paytas Homes)</td>
<td>Pinnacle PUD, Phase II</td>
<td>06/27/06</td>
<td>09/22/06</td>
<td>106,791</td>
</tr>
<tr>
<td>D.R. Horton</td>
<td>Port Orange Plantation Phases III, IV, V</td>
<td>07/25/06</td>
<td>12/06/06</td>
<td>49,445</td>
</tr>
<tr>
<td>D.R. Horton</td>
<td>Villas of P.O. Plantation Phases I, II</td>
<td>09/26/06</td>
<td>12/06/06</td>
<td>62,993</td>
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<tr>
<td>Intervest Construction, Inc</td>
<td>Waters Edge Phase 9B</td>
<td>06/05/07</td>
<td>07/05/07</td>
<td>27,526</td>
</tr>
<tr>
<td>Quest Design Group</td>
<td>Crystal Lake Business Park</td>
<td>08/07/07</td>
<td>09/19/07</td>
<td>16,567</td>
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<tr>
<td>Floridian Bank</td>
<td>Floridian Bank</td>
<td>08/28/07</td>
<td>08/28/07</td>
<td>10,959</td>
</tr>
<tr>
<td>All Aboard Storage</td>
<td>Nova Depot</td>
<td>09/18/07</td>
<td>09/18/07</td>
<td>10,959</td>
</tr>
<tr>
<td>Shoppes at Southwinds LLC</td>
<td>Shoppes at Southwinds</td>
<td>10/08/07</td>
<td>10/08/07</td>
<td>8,156</td>
</tr>
<tr>
<td>Port Orange Properties, LC</td>
<td>Port Orange Properties</td>
<td>11/13/07</td>
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<td>38,486</td>
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<tr>
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<td>Halifax Veterinary Clinic</td>
<td>12/18/07</td>
<td>01/04/08</td>
<td>2,804</td>
</tr>
<tr>
<td>Continental 217 Fund, LLC</td>
<td>Westport Square - Kohls</td>
<td>01/15/08</td>
<td>01/15/08</td>
<td>175,351</td>
</tr>
<tr>
<td>Atlantic Coast, LLC</td>
<td>Atlantic Coast Office Building</td>
<td>04/16/08</td>
<td>04/16/08</td>
<td>2,804</td>
</tr>
<tr>
<td>Cruz Investment Group</td>
<td>Nova Bella Piazza</td>
<td>04/22/08</td>
<td>04/23/08</td>
<td>10,959</td>
</tr>
<tr>
<td>City of Port Orange</td>
<td>Port Orange Business Park</td>
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<td>08/05/09</td>
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<tr>
<td>Port Orange Apartment Assoc.</td>
<td>Reserve at Crystal Lake</td>
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<td>2,804</td>
</tr>
<tr>
<td>K E M Associates, LLC</td>
<td>Countryside Commercial</td>
<td>08/19/08</td>
<td>09/17/08</td>
<td>2,804</td>
</tr>
<tr>
<td>Sun Glow Construction Inc.</td>
<td>Summer Trees Plaza - Site &quot;B&quot;</td>
<td>01/27/09</td>
<td>05/02/09</td>
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</tr>
<tr>
<td>Sun Glow Construction Inc.</td>
<td>National City Bank</td>
<td>01/20/09</td>
<td>01/27/09</td>
<td>8,156</td>
</tr>
<tr>
<td>Four Lanes, LLC</td>
<td>CVS Pharmacy #4112 (Altamira CVS)</td>
<td>04/15/10</td>
<td>04/15/10</td>
<td>8,156</td>
</tr>
<tr>
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<td>13,763</td>
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<tr>
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<td>Dunlawton Yorktowne, LLC</td>
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<tr>
<td>Ferber Construction Mgmt, LLC</td>
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</table>

### Project 2: Dunlawton / Clyde Morris

<table>
<thead>
<tr>
<th>Developer 1: Dunlawton / Taylor at I-95</th>
<th>Development</th>
<th>Agreement Approval</th>
<th>Date of Contribution</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.R. Horton</td>
<td>Port Orange Plantation Phase II</td>
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<tr>
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</tr>
<tr>
<td>Holiday Builders</td>
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<tr>
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</tr>
<tr>
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<tr>
<td>Linen Group</td>
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<tr>
<td>D.R. Horton</td>
<td>Villas of P.O. Plantation Phases I, II</td>
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<td>34,628</td>
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<tr>
<td>Intervest Construction, Inc</td>
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<td>All Aboard Storage</td>
<td>Nova Depot</td>
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<td>09/18/07</td>
<td>9,894</td>
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</tr>
<tr>
<td>Port Orange Properties, LC</td>
<td>Port Orange Properties</td>
<td>11/13/07</td>
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<td>29,681</td>
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**Total - Approved Contribution Amounts for Project 1** $ 2,118,222
<table>
<thead>
<tr>
<th>Developer</th>
<th>Development</th>
<th>Agreement Approval</th>
<th>Date of Contribution</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halifax Veterinary Clinic</td>
<td>Halifax Veterinary Clinic</td>
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<td>4,947</td>
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<td>CBL</td>
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<td>01/15/08</td>
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<tr>
<td>Atlantic Coast, LLC</td>
<td>Atlantic Coast Office Building</td>
<td>04/16/08</td>
<td>04/16/08</td>
<td>9,894</td>
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<td>Cruz Investment Group</td>
<td>Nova Bella Piazza</td>
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<td>04/23/08</td>
<td>9,894</td>
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<tr>
<td>City of Port Orange</td>
<td>Port Orange Business Park</td>
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<td>08/05/09</td>
<td>29,681</td>
</tr>
<tr>
<td>Port Orange Apartment Assoc.</td>
<td>Reserve at Crystal Lake</td>
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<tr>
<td>The Animal, LLC</td>
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<td>K E M Associates, LLC</td>
<td>Countryside Commercial</td>
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<td>09/17/08</td>
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</tr>
<tr>
<td>ABC Liquors, Inc.</td>
<td>ABC Liquor Store and Bank</td>
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<td>05/27/09</td>
<td>9,894</td>
</tr>
<tr>
<td>LaCour &amp; Company (Southwind Villas)</td>
<td>Dollar General Store</td>
<td>01/19/10</td>
<td>01/19/10</td>
<td>4,947</td>
</tr>
<tr>
<td>Four Lanes, LLC</td>
<td>CVS Pharmacy #4112 (Altamira CVS)</td>
<td>04/15/10</td>
<td>04/15/10</td>
<td>29,681</td>
</tr>
<tr>
<td>Houligan's Port Orange, LLC</td>
<td>Houligan's Restaurant &amp; Office Bldg.</td>
<td>06/03/10</td>
<td>06/03/10</td>
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<td>04/15/12</td>
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<td>$ 935,811</td>
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<td><strong>Project 3: Town West / Williamson Signalization</strong></td>
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<td>11/15/05</td>
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<tr>
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<td>07/25/06</td>
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<td>D. R. Horton Refund</td>
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<tr>
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<td>10/23/17</td>
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<td>Port Orange Properties, LLC</td>
<td>Port Orange Properties</td>
<td>11/13/07</td>
<td>09/28/18</td>
<td>(8,792)</td>
</tr>
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<td>Port Orange Properties, LLC (City Council Approved Write Off of Additional Payment)</td>
<td>Port Orange Properties</td>
<td>11/13/07</td>
<td>09/28/18</td>
<td>(8,792)</td>
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<tr>
<td>CBL</td>
<td>Pavilion at Port Orange</td>
<td>12/18/07</td>
<td>01/08/08</td>
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<td>01/15/08</td>
<td>01/15/08</td>
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<td>12/20/12</td>
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<td>09/30/16</td>
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<td>Continental 217 Fund, LLC (City Council Approved Write Off of Additional Payment)</td>
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<td>09/28/18</td>
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<td>Royal Palm PUD, Phase III</td>
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<td>Holiday Builders</td>
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<tr>
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<td>Villas of P.O. Plantation Phases I, II</td>
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<td>Waters Edge Phase 9B</td>
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<td>All Aboard Storage</td>
<td>Nova Depot</td>
<td>09/18/07</td>
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<tr>
<td>Shoppes at Southwinds LLC</td>
<td>Shoppes at Southwinds</td>
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**Total - Approved Contribution Amounts for Project 3** $ 445,701
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<th>Agreement Approval</th>
<th>Date of Contribution</th>
<th>Total</th>
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<td>Port Orange Properties</td>
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<td>11/16/07</td>
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<td>Halifax Veterinary Clinic</td>
<td>Halifax Veterinary Clinic</td>
<td>12/18/07</td>
<td>01/04/08</td>
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<tr>
<td>CBL</td>
<td>Pavilion at Port Orange</td>
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<td>01/08/08</td>
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<td>Atlantic Coast Office Building</td>
<td>04/16/08</td>
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<td>City of Port Orange</td>
<td>Port Orange Business Park</td>
<td>05/06/08</td>
<td>08/05/09</td>
<td>168,682</td>
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<td>Port Orange Apartment Assoc.</td>
<td>Reserve at Crystal Lake</td>
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<td>K E M Associates, LLC</td>
<td>Countryside Commercial</td>
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<td>Sun Glow Construction Inc.</td>
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<td>Sun Glow Construction Inc.</td>
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<td>36,574</td>
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<td>04/15/10</td>
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<tr>
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<tr>
<td>Intervest Construction, Inc</td>
<td>Water’s Edge Phase XII</td>
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<td>LIV Development</td>
<td>Whitepalm Apartments</td>
<td>02/26/13</td>
<td>03/18/13</td>
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<td>Edge Cove LLC</td>
<td>Sanctuary at Westport PH 2A</td>
<td>06/21/16</td>
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<td>Westport Reserve Subdivision-PH 3</td>
<td>12/12/17</td>
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<td>Westport Reserve LLC</td>
<td>Westport Reserve Subdivision-PH 4</td>
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<td>2017 Yorktown Port Orange LLC</td>
<td>Port Orange Gateway Center Lot 3A</td>
<td>03/20/18</td>
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<td>11,036</td>
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<td>Acorn Ministorage of Brevard</td>
<td>Acorn Mini-Storage</td>
<td>05/01/18</td>
<td>09/17/18</td>
<td>18,288</td>
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<td>Z Development Services</td>
<td>Arby’s Site Plan</td>
<td>08/21/18</td>
<td>08/28/18</td>
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<td><strong>Total - Approved Contribution Amounts for Project 4</strong></td>
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<td></td>
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<td><strong>Project 5: Devon / Taylor Road Signalization</strong></td>
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<td>12/20/17</td>
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<td><strong>Total - Approved Contribution Amounts for Project 5</strong></td>
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<td><strong>Project 6: Yorktowne Boulevard Extension</strong></td>
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<td><strong>$231,447</strong></td>
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<td>Acorn Mini-Storage</td>
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<td>09/17/18</td>
<td>16,968</td>
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<td>Z Development Services</td>
<td>Arby’s Site Plan</td>
<td>08/21/18</td>
<td>08/28/18</td>
<td>1,580</td>
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<td><strong>Grand Total - All Projects</strong></td>
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<td><strong>Total - Approved Contribution Amounts for All Projects</strong></td>
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<td><strong>$5,786,711</strong></td>
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Notes: Initial funding for above transportation concurrency projects was appropriated during previous or current fiscal years.

Total contributions received through fair share agreements through 04/30/2018. Total contributions include actual project costs for projects 1, 2, 3 and 4 which have been completed. Total contributions, on projects 2-5 and 56, include estimated project costs and contingency funding for potential cost overruns.

SOURCE: City of Port Orange, Department of Finance, Department of Community Development, 2017-2018
## TABLE 3
### SUMMARY OF CAPITAL IMPROVEMENTS

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
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<tbody>
<tr>
<td>Water</td>
<td>1,850,000</td>
<td>4,275,000</td>
<td>3,875,000</td>
<td>1,295,000</td>
<td>725,000</td>
<td>850,000</td>
<td>12,870,000</td>
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<tr>
<td>Sanitary Sewer</td>
<td>1,700,000</td>
<td>4,935,000</td>
<td>7,900,000</td>
<td>4,925,000</td>
<td>1,950,000</td>
<td>1,500,000</td>
<td>22,910,000</td>
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<tr>
<td>Water &amp; Sewer</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>600,000</td>
</tr>
<tr>
<td>Drainage</td>
<td>2,393,000</td>
<td>1,906,000</td>
<td>1,666,000</td>
<td>971,000</td>
<td>820,000</td>
<td>570,000</td>
<td>8,326,000</td>
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<tr>
<td>Transportation</td>
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<td>3,817,000</td>
<td>3,006,000</td>
<td>1,020,000</td>
<td>1,318,000</td>
<td>5,150,000</td>
<td>15,253,000</td>
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<tr>
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<td><strong>15,033,000</strong></td>
<td><strong>16,547,000</strong></td>
<td><strong>8,311,000</strong></td>
<td><strong>4,913,000</strong></td>
<td><strong>8,170,000</strong></td>
<td><strong>59,959,000</strong></td>
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## TABLE 4
### SUMMARY SCHEDULE OF COMMITTED AND PLANNED FUNDS

<table>
<thead>
<tr>
<th>Fund</th>
<th>FY 17-18</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
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<tr>
<td>Capital Projects (301)</td>
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<td>1,184,000</td>
<td>1,007,000</td>
<td>800,000</td>
<td>800,000</td>
<td>800,000</td>
<td>5,401,000</td>
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<tr>
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<td>1,400,000</td>
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<td>1,200,000</td>
<td>1,200,000</td>
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<tr>
<td>Water/Sewer Operating (401)</td>
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<td>-</td>
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<tr>
<td>Water/Sewer R&amp;R (403)</td>
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<td>971,000</td>
<td>820,000</td>
<td>570,000</td>
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<tr>
<td>Water/Sewer Impact (405)</td>
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<td>6,288,000</td>
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<td>TPO Funds</td>
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<td>Total Committed and Planned Funds</td>
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<td>8,311,000</td>
<td>4,913,000</td>
<td>8,170,000</td>
<td>59,959,000</td>
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## TABLE 5
### SUMMARY SCHEDULE OF COMMITTED AND PLANNED FUNDS

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<th>Fund</th>
<th>FY 18-19</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>Total</th>
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<td>-</td>
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<td>4,450,000</td>
<td>4,400,000</td>
<td>4,200,000</td>
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<td>7,150,000</td>
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<tr>
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<td>3,750,000</td>
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<td>-</td>
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<tr>
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<td>-</td>
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<td>720,000</td>
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Page 10 - 15
TPO Funds

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Developer Fairshare
Contr. (Planned)

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Total Committed and Planned Funds

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SOURCE (For Tables 3 and 4): City of Port Orange, Department of Finance, 20172018

Table 5 identifies transportation improvements included in the first five years of the applicable Transportation Planning Organization’s (TPO) adopted Transportation Improvement Program (TIP), to the extent that such improvements are relied upon to ensure concurrency and financial feasibility.

TABLE 5
TPO TRANSPORTATION IMPROVEMENT PLAN*

*There are no concurrency-related improvements in the 2017/18—2021/222018/19 – 2022/23 TPO TIP.

SOURCE: TPO TIP FY 2017/18-2021/222018/19 – 2022/23; City of Port Orange, Department of Community Development, 20172018

Table 6 identifies public school facilities improvements included in the first five years of the 2016/17—2020/21-2018/19 – 2022/23 Volusia County School District Work Program.

TABLE 6
VOLUSIA COUNTY SCHOOL DISTRICT FIVE-YEAR WORK PROGRAM

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Projects at Existing Schools & Facilities

<p>| Atlantic HS – Upgrade HVAC Bldgs, 9 and 10 |          | 390,000 |          |          |          |
| Atlantic HS – Campus Wide Reroof | 260,000 | 3,200,000|          |          |          |
| Atlantic HS -New Digital Marquee | 100,000 |          |          |          |          |
| Atlantic HS – Upgrade Fire Alarm and Intercom | 1,000,000|          |          |          |          |
| Brewster Center – Replace South Low Roof | 65,000 |          |          |          |          |
| Brewster Center – Interior Renovations |          |          |          |          | 3,000,000|
| Campbell Middle – HVAC Unit Replacements |          | 1,300,000|          |          |          |
| Charter School – Capital Outlay from LCIF | 1,500,000| 1,500,000| 1,500,000| 2,000,000|          |</p>
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<tr>
<th>Creekside Middle – Upgrade HVAC Bldgs 1, 3, 4, 6, 8 and 10</th>
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<tr>
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<td>600,000</td>
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<tr>
<td>DeLand HS – Upgrade Lighting to LED Campus Wide</td>
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<tr>
<td>DeLand HS – Replace Gym Floors</td>
<td>200,000</td>
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<tr>
<td>DeLand HS – Upgrade Fire Alarm and Intercom</td>
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<td>Deland Warehouse - Leases</td>
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<td>Deltona Transportation – Site Improvements</td>
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<td>Facilities Services – Upgrade Chiller Plant</td>
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<td>Galaxy Mid – Campus Wide Grounding</td>
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<td>Galaxy Mid – Upgrade Door Hardware</td>
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<td>High Banks Learning Center – Renovate North Parking Lot</td>
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<td>Hinson Mid – Campus Wide HVAC</td>
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<td>George Marks Elm - Additional Cptty</td>
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<td>Brewster Center – Interior Renovations</td>
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<td>Charter School Capital Outlay from LCIF</td>
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<td>DeLand Warehouse – Lease</td>
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<td>105,060</td>
<td>107,161</td>
<td>109,304</td>
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<tr>
<td>DeLand HS – Upgrade Fire Alarm &amp; Intercom</td>
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<td>1,300,000</td>
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<tr>
<td>DeLand Mid – HVAC, Ceiling Lighting</td>
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<td>Deltona HS – ADA Accessibility</td>
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<td>Indian River Elm - Replace Heat Pump &amp; Piping</td>
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<td>Longstreet Elm - Renovate Heat &amp; Piping</td>
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<td>440,000</td>
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<td>New Smyrna Bch Mdl - Renovations &amp; Additions</td>
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<tr>
<td>Orange City Elm - Renovations &amp; Additions</td>
<td>1,500,000</td>
<td>12,000,000</td>
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<tr>
<td>Ortona Elm - Reno &amp; Site Improvmts</td>
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<td>Osceola Elm - Renovations</td>
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<td>Portables - Lease</td>
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<td>Seabreeze HS - Chilled Water Plant</td>
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<td>Starke Elm - Renovations</td>
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<td>Various Facilities - Facilities Review Projects</td>
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<td>Total Major Projects at Existing Schools &amp; Facilities</td>
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<td>ERP Software - Enterprise Resource Planning</td>
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<td>Network EDP &amp; Communications Equipment</td>
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<td>New District Financial &amp; Student Software Systems</td>
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<td>Total Equipment &amp; Vehicles</td>
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## CAPITAL IMPROVEMENTS ELEMENT

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<td>Transfers</td>
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<td>Transfers - To General Fund</td>
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<td>Transfers - To Debt Service</td>
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<td>38,476,013</td>
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<td><strong>Total Transfers</strong></td>
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<td><strong>41,434,456</strong></td>
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<td><strong>GRAND TOTAL</strong></td>
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<td><strong>126,441,405</strong></td>
<td><strong>173,204,356</strong></td>
<td><strong>136,939,324</strong></td>
<td><strong>136,837,685</strong></td>
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</table>

Source: Volusia County School District, Work Program adopted September 26, 2017-2018
IMPLEMENTATION

5-YEAR SCHEDULE OF IMPROVEMENTS

The 5-Year Schedule of Improvements (Table 1) is the mechanism by which the City can effectively stage the timing, location (see Figure 10-1), projected cost, and revenue sources for the capital improvements derived from the other Comprehensive Plan Elements. This table lists only those capital projects that will be funded by the City of Port Orange as part of its annual Capital Improvement Program. Based upon the Inventory, Analysis, and Goals, Objectives, and Policies of this Element, the 5-Year Schedule of Improvements has been developed to document the financial feasibility of the City of Port Orange's Comprehensive Plan.

MONITORING AND EVALUATION

The role of monitoring and evaluation is vital to the effectiveness of any Comprehensive Plan and particularly for the Capital Improvements Element. As part of the annual budgeting process, the City evaluates the status of all scheduled capital improvements and the overall status of public facilities in relation to current and projected demand. This evaluation ensures that revisions to the budget, work programs, the Capital Improvements Program and this Comprehensive Plan may be made as necessary to provide facilities in a timely and financially feasible manner, consistent with adopted level-of-service standards. This review is coordinated by the Capital Improvements Project Manager. In addition, the issuance of development orders and development permits is monitored continuously to ensure consistency with this Plan.

The City's annual review includes the following considerations, which are also evaluated each year to determine their continued applicability:

1) Any corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the element; or the date of construction of any facility listed in this Element,
2) The Capital Improvement Element's consistency with the other Elements and its support of the Future Land Use Element.
3) The City's ability to provide public facilities and services within the Urban Service Area in order to determine any need for boundary modification or adjustment.
4) The priority assignment of existing public facility deficiencies.
5) The City's progress in meeting those needs that are determined to be existing deficiencies.
6) The criteria used to evaluate capital improvement projects in order to ensure that projects are being ranked in their appropriate order of priority.
7) The City's effectiveness in maintaining the adopted LOS standards.
8) The City's effectiveness in reviewing the impacts of plans and programs of state agencies and water management districts that provide public facilities within the City's jurisdiction.
9) The effectiveness of impact fees, and mandatory dedications or fees in lieu of, for assessing new development a pro rata share of the improvement costs which they generate.
10) The impacts of special districts and any regional facility and service provision upon the City's ability to maintain its adopted LOS standards.

11) The ratio of outstanding indebtedness to the property tax base.

12) Efforts made to secure grant or private funds, whenever available to finance the provision of capital improvements.

13) The transfer of any unexpended account balances.

14) The criteria used to evaluate proposed plan amendments and requests for new development or redevelopment.

15) Capital improvements needed for the latter part of the planning period, for inclusion in the 5-Year Schedule of Improvements.
CONCURRENCY MANAGEMENT SYSTEM

OVERVIEW

The purpose of a Concurrency Management System is to provide the necessary regulatory mechanism for evaluating development orders to ensure that the level-of-service standards adopted as part of the Comprehensive Plan are maintained. The system consists of three primary components: 1) an inventory of existing public facilities for which concurrency is to be determined; 2) a concurrency assessment of each application for a final development order or permit; and 3) a schedule of improvements needed to correct any existing public facility deficiencies. Under this system, and according to the Florida State Legislature, no development orders may be issued which will cause a public facility to operate below its adopted level-of-service standard. However, development orders may be conditioned such that needed public facility improvements will be in place concurrent with the impacts of the proposed development.

In order to ensure that all public facilities included within this system are available concurrent with the impacts of development, concurrency will be determined during the final site plan or final subdivision plan approval process. All development orders and permits will specify any needed improvements and a schedule for their implementation. Thus, while some required improvements may not have to be completed until a certificate of occupancy is applied for, the requirements for the certificate of occupancy will have already been specified as a condition of approval of the original development order. If a development proposal can not meet the test for concurrency, then it may not proceed under any circumstances and no development orders or permits may be issued. Likewise, if a development fails to meet a condition of approval once it has commenced, then no additional development orders, permits, or certificates of occupancy may be issued.

APPLICABILITY

Prior to the granting of a development order, all applications for a final site plan or final subdivision plan shall be reviewed for concurrency consistent with the provisions and requirements of this system. Development orders may be issued only upon a finding by the City that the public facilities addressed under the Concurrency Management System will be available concurrent with the impacts of the development.

All applicants for development permits shall be required to provide all information deemed necessary by the City so that the impacts of the proposed development may be accurately assessed.

The City's land development regulations specifically list the application requirements for development permits that reflect the informational needs for the determination of concurrency, and application forms have been developed accordingly.
DEPARTMENT OF COMMUNITY DEVELOPMENT

The City's Department of Community Development is responsible for the four primary tasks which are described below. The Director of Community Development may delegate all or a part of these functions to the employees within this Department. The four tasks are: 1) maintaining an inventory of existing public facilities and capacities or deficiencies; 2) determining concurrency of proposed development which does not require City Council approval; 3) providing advisory concurrency assessments and recommending conditions of approval to the City Council for those applications for development orders which require City Council approval; and 4) reporting the status of all public facilities covered under this system to the City's Capital Improvement Facilities Project Manager and recommending a schedule of improvements for those public facilities found to have existing deficiencies.

CAPACITY AND LEVEL-OF-SERVICE INVENTORY

The Department of Community Development collects, and makes available to the public, information on certain facilities as described below in Table 7. The information has been available since November 1, 1990 and is updated annually thereafter. The provisions and requirements of the Concurrency Management System apply only to those facilities listed in Table 7.
TABLE 7
PUBLIC FACILITIES CAPACITIES AND LEVEL-OF-SERVICE INVENTORY
FOR CONCURRENCY MANAGEMENT

The following inventories shall be maintained by the Department of Community Development to be used for the concurrency assessment of new development.

TRANSPORTATION

Design capacity of different roadway types and bikeways.
The existing level of service measurement.

Analysis of specific facilities.

The service degradation on those facilities classified as backlogged, based on the methodology described in the Transportation Element of this Plan.
The adopted level of service standards for all roadway types and desired level of service standard for bikeways.
The existing capacities or deficiencies of the transportation system.
The capacities reserved for approved but unbuilt development.
The projected capacities or deficiencies due to approved but unbuilt development.
The improvements to be made to the transportation system in the current fiscal year by the City, Volusia County, the Florida Department of Transportation, or other public agency and the impact of such improvements on the existing capacities or deficiencies.

SANITARY SEWER

The design capacity of the wastewater treatment facilities.
The existing level-of-service standards measured by the average number of gallons per day unit based on the average flows experienced at the treatment plant and the total number of equivalent residential units within the service area.
The adopted level-of-service standard for average daily flows per equivalent residential unit.
The existing deficiencies of the system.
The capacities reserved for approved but unbuilt development.
The projected capacities or deficiencies due to approved but unbuilt development.
The improvements to be made to the facility in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.

POTABLE WATER

Permitted groundwater withdrawal capacity as per the City’s Consumptive Use Permit.
The design capacity of potable water treatment facilities.
The existing level of service measured by the average number of gallons per day per unit based on the average flows experienced and the total number of equivalent residential units within the service area.
The existing potable water storage capabilities of the water system.
CAPITAL IMPROVEMENTS ELEMENT

TABLE 7
(Continued)

POTABLE WATER (Continued)

The existing minimum water pressure.
The adopted level-of-service standards for the potable water facility components.
The existing capacities or deficiencies of the system.
The capacities reserved for approved but unbuilt development.
The improvements to be made to the facility in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.
The improvements to be made to the facility in the current fiscal year by the City and the impact of such improvements on the existing capacities or deficiencies.

SOLID WASTE DISPOSAL

The design capacity of solid waste disposal facilities.
The existing level of service measured by the number of units served per route.
The adopted level-of-service standard for solid waste.
The capacities reserved for approved but unbuilt development.
The projected capacities or deficiencies due to approved but unbuilt development.
The improvements to be made to the system in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.
The improvements to be made to the system in the current fiscal year by the City and the impact of such improvements on the existing capacities or deficiencies.

STORMWATER DRAINAGE

The existing level of service measured by storm event.
The adopted level-of-service standard for stormwater drainage quantity and quality.

RECREATION AND OPEN SPACE

The existing acreage of parkland and the existing number of recreation facilities in the Recreation and Open Space Element of this Plan.
The existing level of service measured by the number of acres of parkland available per 1,000 residents of the City based on an inventory of parklands in the City and the population of the City.
The existing level of service for recreation facilities measured by the adopted standard based on an inventory of the facilities in the City and the population of the City.
The adopted level-of-service standards for parkland acreage and individual recreation facilities in the Recreation and Open Space Element of this Plan.
The existing capacities reserved for approved but unbuilt development.

The projected capacities or deficiencies due to approved but unbuilt development.

The improvements to be made to the recreation facilities in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.

The improvements to be made to the recreation facilities in the current fiscal year by the City and the impact of such improvements on the existing capacities or deficiencies.

PUBLIC SCHOOL FACILITIES*

The existing level-of-service for each School Concurrency Service Area.

The adopted level-of-service standard for each School Concurrency Service Area.

The existing and projected deficiencies of the system.

The number of approved residential units and their projected students that have received school concurrency certificates, but whose units are not constructed.

The projected capacities and level-of-service due to approved but unbuilt residential development.

The improvements to be made by any approved developments pursuant to Capacity Enhancement Agreements and/or Mitigation Agreements and the projected impact of such improvements on school capacities and the adopted level-of-service.

*The Public School Facilities inventories are maintained by the School Board of Volusia County.

Source: City of Port Orange, 2009

CONCURRENCY ASSESSMENT

The Department of Community Development is responsible for determining concurrency for all applications of development orders for final site plans and/or applications of development orders for final site plans and/or final subdivision plans. When reviewing applications for such development orders, the Department performs a Concurrency Assessment to ensure that public facilities are available concurrent with the impacts of the proposed development. To conduct the assessment, the inventory presented in Table 7 is used as a base for the establishment of existing conditions. The capacity of existing public facilities to service new development shall then be determined by using the general rules presented in Table 8 and the facility-specific rules presented in Table 9. Finally, a determination of concurrency is made. Such determination may include conditions of approval which are deemed necessary for concurrency to be ensured.

The Department of Community Development provides recommendations to the Planning Commission and City Council concerning those development order applications which require Planning Commission and City Council approval. The comments and recommendations provided by the Department include, but are not limited to:
1. the ability of existing facilities to accommodate the proposed development at the adopted level-of-service standards;
2. any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development;
3. the facility(s) improvements or additions that will be needed to accommodate the impacts of the proposed development at the adopted level(s)-of-service standard(s);
4. the date such facility(s) improvements or additions will need to be completed to be concurrent with the impacts on such facility(s) created by the proposed development; and
5. a recommendation of approval or denial with any applicable conditions for the timing and location of needed improvements.

Prior to the issuance of a development order for a proposed new development, the City Council and/or the Department of Community Development determines:
1. the impacts created by the proposed development;
2. whether the public facilities covered under the Concurrency Management System will be available concurrent with the impacts of new development at the adopted level;
3. those facility(s) improvements or additions that are required to ensure the finding of concurrency; and
4. the entity responsible for the design and installation of all required facility(s) improvements or additions.
5. whether the development will have to participate in a Concurrency and Fair Share Agreement, as outlined in the City’s Proportionate Fair Share Ordinance.

The adopted level-of-service standards are the minimum acceptable standards with which all proposed new development shall comply. The Concurrency Management System does not preclude the Planning Commission or the City Council from imposing other conditions of approval, including improvements and additions to the facilities covered under this system beyond the minimums necessary to achieve concurrency.

**FACILITIES REPORTING**

Annually, the Department of Community Development reports to the City Council the information required in Table 7. The report includes the degree of any deficiencies and a summary of the impacts the deficiencies will have on the approval of development orders. The Department of Community Development then recommends a schedule of improvements necessary to prevent a moratorium or a reduction in the approval of development orders.
### TABLE 8
GENERAL RULES FOR CONCURRENCY ASSESSMENT

#### EXISTING DEFICIENCIES

No development may be approved which will impact any facility which is currently deficient unless the facility is required to be improved in the current fiscal year pursuant to a previous development order or permit, except within the Transportation Concurrency Exception Area. Any needed improvements shall be completed prior to the projected impacts of the proposed development as required by Table 7. Developments within the Town Center TCEA shall be required to provide funding contributions or mobility improvements commensurate with anticipated level of impact to the overall transportation system and shall be credited for any mobility improvements or programs deemed acceptable by the City as a means of offsetting such mobility impacts.

#### APPROVED IMPACTS

The impacts of new development shall be assessed against the existing conditions as described in Table 7 and the projected impacts from approved but unbuilt development. These two items together shall be considered the existing conditions for all public facilities for the impact assessment of all proposed development.

#### PHASING

Development that is proposed to be phased may also phase the improvement of facilities provided the concurrency requirements for each facility as described in Table 7 are met.

#### TIME SPECIFIC APPROVAL

All development approvals shall have a time period specified in the development order or permit in which development must commence. The time period may involve two or more phases but the timing of each phase shall be specified in the development order or permit.

Any required improvements shall also require a time period for construction and completion. Should development or facilities improvements fail to begin or be completed in accordance with the development order or site construction permit, all outstanding approvals of the development shall expire. Amendments to time schedules shall be permitted but must be approved consistent with the procedures established in the Land Development Code.

#### ADDITIONAL INFORMATION

The Department of Community Development may require additional information from applicants or other City Departments in order for an accurate assessment to be conducted. Such additional informational requests shall be reasonable and be provided in writing to the applicant or appropriate Department.

Should the Department of Community Development require a special study (such as traffic counts on a road that is not regularly monitored), the applicant shall provide such information. Review and approval of proposed development may be postponed for a reasonable time period in order that more information may be gathered on a facility. Proposed development may be denied approval, for failure of the applicant to provide adequate information on the projected impacts created by the development.

Source: City of Port Orange, 2009
TABLE 9
FACILITY SPECIFIC RULES FOR CONCURRENCY ASSESSMENT

TRANSPORTATION

Traffic impact analysis studies are required for development projects to determine the project impacts, maintain information on roadway conditions, and develop appropriate mobility mitigation strategies. Such studies must be consistent with the adopted TPO Guidelines. The studies shall calculate the number of trips generated by the proposed development, show the distribution and assignment of the projected trips, and project the level of service of impacted road links. Traffic studies shall still be required for projects within the Town Center Transportation Concurrency Exception Area (TCEA) to provide a measure of the projects impacts and to maintain information on the roadway conditions within the TownCenter TCEA to develop, monitor, and adjust mobility strategies.

Prior to the issuance of a Certificate of Occupancy, all facility improvements necessary to accommodate the impacts of the development shall be in place or planned for construction within the first three years of the adopted FDOT Work Program, County Road Program, and/or City CIP. If the necessary facility improvements will not be in place or under construction within three years of the time of the development approval, the development’s approval will be subject to the signing of an enforceable development agreement, such as a Concurrency and Fair-Share Agreement, as outlined in the City’s Proportionate Fair Share Ordinance. Completed improvements may be required prior to the issuance of a building permit if deemed necessary for public safety purposes. Outside the boundaries of the Transportation Concurrency Exception Area, the City may grant de minimus exceptions up to a cumulative 10% degradation of the adopted peak-hour LOS standard volume, as long as the facility is not an evacuation route or part of the State’s SIS.

SANITARY SEWER

The City's Land Development Code provides sanitary sewer use standards for residential development based on equivalent residential units and for non-residential development based on gross leasable area. The City may also require commercial and industrial developments to provide a description and estimate of wastewater generations for any commercial or industrial processes which create wastewater that will be discharged into the City's system.

Prior to the issuance of a Certificate of Occupancy, all facility improvements necessary to accommodate the impacts of that portion of the development receiving a Certificate of Occupancy shall be in place, as required by the Development Order.

POTABLE WATER

The City's Land Development Code provides potable water use standards for residential development based on equivalent residential units and for non-residential development based on gross leasable area. The City may also require commercial and industrial developments to provide a description and estimate of water use needs for any commercial or industrial processes involving potable water.

Prior to the issuance of a Certificate of Occupancy, groundwater or alternative water supplies and all facility improvements necessary to accommodate the impacts of that portion of the development receiving a Certificate of Occupancy shall be in place, as required by the Development Order and the City Consumptive Use Permit.
SOLID WASTE

The City's Land Development Code provides solid waste generation standards based on land use types. Commercial and industrial developments which are potential hazardous waste generators shall provide a description and estimate of tonnage of solid waste to be generated. The applicant will be responsible for coordinating with Volusia County for disposal of such waste. The City will then obtain written approval from Volusia County that the proposed development's hazardous waste generation can be accommodated at the County's landfill.

Prior to the issuance of a Certificate of Occupancy, all facility improvements necessary to accommodate the impacts of that portion of the development receiving a Certificate of Occupancy shall be in place.

STORMWATER DRAINAGE

All development shall prepare a drainage plan based on the Stormwater Management regulations which incorporate the level-of-service design storm. Such plans shall be approved by the City's Storm Drainage Engineer prior to the approval of the development.

Prior to the issuance of a building permit, all facility improvements necessary to accommodate the impacts of that portion of the development receiving the building permit shall be approved and a schedule established for their implementation such that all improvements shall be completed prior to the issuance of a Certificate of Occupancy.

RECREATION

The City's Land Development Code provides recreation standards for residential uses. Commercial and industrial developments shall not be assessed as having an impact on recreational facilities. However, the City reserves the right to require the provision of recreational facilities as part of Planned Commercial Developments.

Prior to the issuance of a building permit, all facility improvements necessary to accommodate the impacts of the entire development shall be approved and a schedule established for their implementation such that all improvements shall be completed prior to the issuance of the last Certificate of Occupancy.

PUBLIC SCHOOLS

The Interlocal Agreement for Public School Facilities Planning, the Public School Facilities Element, and the City's Land Development Code provides district-wide level-of-service standards for all school types and establishes Concurrency Service Areas for each school type.

The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate capacity to accommodate proposed development for each type of school, consistent with the adopted level-of-service. Prior to the issuance of the Final Development Order for a residential development or a development with a residential component, facility capacity necessary to accommodate the impacts of that portion of the development receiving a Development Order shall be in place or planned for construction within the first three years of the adopted five-year School District Capital Improvement Program. If the necessary facility capacity will not be in place or under construction within three years of the time of the development approval, the developer has the option to enter into negotiations for a Mitigation Agreement and development approval will be subject to the execution of the Mitigation Agreement.

Source: City of Port Orange, 2009
GOALS, OBJECTIVES, AND POLICIES

GOAL 1: CAPITAL IMPROVEMENTS

THE CITY SHALL UNDERTAKE NECESSARY ACTIONS TO ECONOMICALLY AND EFFICIENTLY PROVIDE NEEDED PUBLIC FACILITIES AND SERVICES TO ALL RESIDENTS WITHIN ITS JURISDICTION IN A MANNER WHICH PROTECTS INVESTMENTS IN EXISTING FACILITIES, MAXIMIZES THE USE OF EXISTING FACILITIES, AND PROMOTES ORDERLY COMPACT URBAN GROWTH.

Objective 1.1: Capital improvements will be provided to correct existing deficiencies, to accommodate anticipated future growth, and to replace outdated and obsolete facilities, as indicated in the Schedule of Improvements of this Element.

Policy 1.1.1: The City shall include all projects required to meet or maintain adopted LOS standards or implement the Goals, Objectives, and Policies of the Comprehensive Plan and determined to be of relatively large scale in cost ($25,000 or greater) as Capital Improvement Projects to be included in the Schedule of Improvements of this Element;

Policy 1.1.2: The City shall, for accounting purposes, also include into this Element Debt Service and Operating expenditures.

Policy 1.1.3: The City shall, as a matter of priority, schedule and fund all capital improvement projects in the City's annual Capital Improvement Program which are designed to correct existing deficiencies as listed in the various other Elements of this Plan.

Policy 1.1.4: The City will continue its current program providing for renewal and replacement of capital facilities as outlined in the various Elements of this Plan.

Policy 1.1.5: The Capital Improvements Coordinating Committee, composed of senior staff from operating departments and Finance, shall evaluate and rank on an annual basis in order of priority the projects proposed to be included in the Schedule of Improvements.

Policy 1.1.6: Proposed City capital improvement projects shall be evaluated and ranked in order of priority according to the following criteria:

A. Whether the project is needed to protect public health and safety, to fulfill the City's legal commitment to provide facilities and services, or to preserve or achieve full use of those facilities already in place.

B. Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides services to developed areas lacking full service, or promotes in-fill development.

C. Whether the project represents a logical extension of facilities and services and is coordinated with the plans of state agencies that provide facilities within
the City.

D. Whether the project implements the policies of this Comprehensive Plan as they pertain to the concurrency requirements or mobility strategies in support of the City’s Town Center TCEA.

E. Whether the project is financially feasible.

Policy 1.1.7: The potential for reducing Vehicle Miles Traveled (VMTs) and greenhouse gas (GHG) emissions should be considered in all location and investment decisions for public facilities.

Objective 1.2: Future development will bear a proportionate cost of facility improvements or mobility strategies necessitated by the development in order to maintain the adopted level-of-service standards or to maintain mobility within the City’s Town Center Transportation Concurrency Exception Area (TCEA).

Policy 1.2.1: The City will continue to collect impact fees from development projects to pay for the provision of public facilities and services required by those projects.

Policy 1.2.2: The City shall consider the use of other impact fees to fund TCEA mobility strategies.

Policy 1.2.3: All new development shall be required to donate or reserve their fair share of right-of-way adjacent to major roadways prior to the issuance of a final development order.

Policy 1.2.4: All new development shall be required to pay its proportionate fair share toward transportation LOS and mobility improvements necessary to provide capacity for its impacts.

Objective 1.3: The City will manage its fiscal resources to ensure the provision of needed capital improvements for previously issued development orders and for future development and redevelopment.

Policy 1.3.1: In providing capital improvements, the City shall limit the maximum ratio of outstanding indebtedness to no greater than 15% of the property tax base.

Policy 1.3.2: The City shall continue to adopt a Capital Improvement Program and an Operating Budget on a yearly basis as part of this budgeting process for implementation of the Goals, Objectives, and Policies set forth in this Comprehensive Plan.

Policy 1.3.3: The City shall continue to apply for and secure grants or private funds whenever available to finance the provision of capital improvements and other City improvement projects.

Policy 1.3.4: Prior to the issuance of Certificates of Occupancy, the City will provide for all public facilities needed to service development for which Development Orders were previously issued.
Policy 1.3.5: The City shall allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.

Policy 1.3.6: The City shall identify and use stable revenue sources which are also responsive to growth for financing public facilities.

Policy 1.3.7: The City shall continue to strive for financial self-sufficiency in the provision of public facilities.

Policy 1.3.8: A capital improvement scheduled to be funded through grants and/or funding that requires a referendum will not be undertaken if the grants are not secured or the referendum is not passed; however, if the improvement is needed to maintain a LOS standard, then all new development will be required to contribute its fair share towards the improvement.

Policy 1.3.9: The City shall identify funding sources for the mobility strategies in the Town Center Transportation Concurrency Exception Area (TCEA) annually during the update to the Capital Improvements Plan. Mitigation shall be satisfied through a combination of physical infrastructure improvements, as listed in the Transportation Mobility Element, or payment of impact fees, and proportionate fair-share contributions, or other future identified sources.

Policy 1.3.10: The City may create a special assessment district to secure funding for TCEA strategies and identified improvements within the Port Orange Town Center Redevelopment District. The City shall amend the Capital Improvements Schedule annually to incorporate funding from the special assessment district for capital improvements to enhance mobility within the TCEA.

Policy 1.3.11: The City will pursue and secure funding from other revenue sources including, but not limited to:
- Florida Inland Navigation Department (FIND) grants
- Volusia County ECHO grants
- Community Development Block Grant (CDBG) funds
- Ponce de Leon Port District
- Special Assessment District
- Florida Department of Economic Opportunity (DEO)
- Florida Department of Transportation (FDOT)
- Transportation Planning Organization (TPO)
- Transportation impact fees
- Utility projects (drainage, water, wastewater)
- Parking credits
- Gas tax

Objective 1.4: The City will utilize a Concurrency Management System so that decisions regarding the issuance of development orders and permits will be based upon coordination of the development requirements included in this Plan, the land development regulations, and the availability of necessary public facilities to support such development at the time needed.
The Transportation Concurrency Exception Area provides concurrency exceptions for the issuance of development orders and permits for infill development and redevelopment based upon the multimodal transportation policies and strategies for mobility included in this Plan.

Policy 1.4.1: The City shall use the following Level-of-Service (LOS) standards in reviewing the impacts of new development and redevelopment upon public facility provision, except for the Roadways within the Transportation Concurrency Exception Area as described in the Transportation Mobility Element:

Sanitary Sewer --
Capacity: 160 gallons per equivalent residential unit per day. 1/10 gallon per square foot per day of commercial, industrial, or institutional development

Solid Waste --
Capacity: 3.21 pounds per capita per day; up to 1,350 residential units per curbside collection vehicle; 10 lbs/1,000 square feet of non-residential development

Potable Water --
Per Capita Consumption: 180 gallons per day per equivalent residential unit. 1/10 gallon per square foot per day of commercial, industrial, or institutional development; not to exceed CUP capacity for groundwater withdrawals
System Minimum Pressure during fire flow: 20 psi
Storage Provided: 50% of daily flow
Well Capacity: Meet or exceed CUP capacity for groundwater withdrawals
Normal Operating Pressure: 60-70 psi
Water Plant Capacity: Adequate for peak day. Three year lead time for planned expansion.
High Service Pumping: Peak hour with largest pump out of service. Expansion concurrent with treatment capacity.
Water Quality: Meet State and Federal Drinking Water Standards.

Drainage --
Quantity: 25-year, 24-hour storm event; per Drainage Sub-Element.
Quality: Reduction of pollutants to a level compatible with State Standards.

Transportation --
LOS C for FIHS and SIS roads
LOS E for City and County-maintained arterials and collectors
LOS D for Williamson Boulevard (Spruce Creek to Airport Road)
LOS D for State maintained non SIS or FIHS roadways, and
designated hurricane evacuation routes

Desired LOS D for bikeways

Recreation Standards for Facilities --

- **Parkland**: 7 acres / 1,000 persons
- **Ball Field**: 1 field / 5,000 persons
- **Basketball Court**: 1 court / 4,000 persons
- **Multipurpose Field**: 1 field / 3,500 persons
- **Tennis Court**: 1 court / 4,000 persons
- **Neighborhood Center**: 1 facility / 15,000 persons

**Policy 1.4.2**: Prior to the approval of an application for a final subdivision or
development plan, the City will review the proposed application to ensure that public
facilities and services needed to support the development are available concurrent with
the impacts of such development based on the Concurrency Management System as
set forth in the Capital Improvements Element (Tables 7, 8, and 9) and as provided in
Goals 1 and 2 of the Transportation Mobility Element.

**Policy 1.4.3**: Provisions in the Comprehensive Plan that ensure public facilities and
services standards will be met to satisfy the Concurrency requirement are listed below.

A. The necessary facilities and services are in place or under construction at the
time a development permit is issued; or
B. A development permit is issued subject to the condition that the necessary
facilities and services will be in place when the impacts of the development
occur. For required roadway facilities, the construction commencement and
completion date and source of funds for the necessary facility shall be adopted
in the Capital Improvements Schedule; or
C. The necessary facilities and services are guaranteed in an enforceable
development agreement. The agreement must guarantee that the necessary
facilities and services will be in place when the impacts of the development
occur; or
D. At the time the development permit is issued, the necessary facilities and
services are the subject of a binding executed contract which provides for the
commencement of the actual construction of the required facilities or the
provision of services within three years of the development approval; or
E. The necessary facilities and services are guaranteed in an enforceable
development agreement which required the commencement of the actual
construction of the facilities or the provision of services within one year of
the issuance of the applicable development permit; or
F. The necessary facilities and services are guaranteed in an adopted CIP but are
not funded for construction within the first three years, and the development
has entered into a Fair-Share Agreement to pay its proportionate fair share
toward the required facilities.

For potable water, sewer, solid waste, and drainage facilities, at a minimum, one of
provisions A-C must be met to satisfy the concurrency requirement. For parks and recreation and transportation facilities, any one of the provisions A-E must be met to satisfy the concurrency requirement. It should be noted, however, that concurrency for transportation facilities, as per provisions C and E, is predicated only upon development agreements which are subject to Chapter 163.3220 (Florida Local Government Development Agreement Act) or Chapter 380 (Land and Water Management), Florida Statutes. Pursuant to 163.3180 F.S., the portion of the City designated as a Transportation Concurrency Exception Area (TCEA) is not subject to State-mandated transportation concurrency requirements. In accordance with this statute, the City has developed mobility strategies which must be met for development to occur, in the TCEA. As development occurs, mitigation shall be satisfied through a combination of physical infrastructure improvements, as listed in the Transportation Mobility Element, or payment of impact fees, and proportionate fair-share contributions, or other future identified sources. These must be guaranteed using any one of options above.

Policy 1.4.4: Proposed plan amendments and requests for new development or redevelopment shall be evaluated according to the following guidelines as to whether the proposed action would:

A. Be consistent with the Public Facilities Element and the Coastal Management Element and not contribute to a condition of public hazard.

B. Be consistent with the Transportation Mobility Element; Public Facilities Element; and Recreation and Open Space Element and not intensify any existing public facility capacity deficits not envisioned within this plan.

C. Generate public facility demands that may be accommodated by planned capacity increases.

D. Conform with future land uses as shown on the future land use map, and Urban Service Areas as described in the Public Facilities Element of this Plan.

E. Accommodate public facility demands based upon level-of-service standards by provision of facilities by the developer or by the City consistent with this element.

F. Be consistent with state and regional agencies' and water management district's facilities plans.

Policy 1.4.5: The City shall include projects within the City’s Five-Year Capital Improvements Program and the Capital Improvements Element to fund mobility and implement strategies to support the Town Center Transportation Concurrency Exception Area (TCEA). The identified projects will be prioritized consistent with the Transportation Mobility Element.

Policy 1.4.6: The City will work annually through the TPO’s Transportation Improvement Program (TIP) with FDOT, the TPO and Volusia County to promote the inclusion of projects in their plans, programs and development regulations that maintain mobility within or that would benefit the TCEA in terms of mobility; and to identify joint funding strategies, including special assessment and developer contributions, that would allow for the acceleration of long range improvements for inclusion with the TIP or the City’s 5-year Capital Improvements Schedule, as appropriate.
Policy 1.4.7: Capital Improvements necessary for water supply concurrency will be identified and included in the annual update to the Capital Improvements Schedule.

GOAL 2: PUBLIC SCHOOL FACILITIES

PROVIDE FOR A FINANCIALLY FEASIBLE PUBLIC SCHOOL FACILITIES PROGRAM.

Objective 2.1: The City of Port Orange shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level-of-service standard. This level of service standard shall be consistent with the level of service standard adopted in the interlocal agreement entered into by the School Board and the local governments within Volusia County.

Policy 2.1.1: The level-of-service standard adopted by the City of Port Orange is the same as adopted by all local governments within Volusia County and by the School Board and shall be applied district-wide to all schools of the same type.

Policy 2.1.2: Consistent with the interlocal agreement, the uniform, district-wide level-of-service standards are set as follows using FISH capacity based on the traditional school calendar:

- Elementary Schools: 115% of permanent FISH capacity for the concurrency service area
- K- 8 Schools: 115% of permanent FISH capacity for the concurrency service area
- Middle Schools: 115% of permanent FISH capacity for the concurrency service area
- High Schools: 120% of permanent FISH capacity for the concurrency service area
- Special Purpose Schools: 100% of permanent FISH capacity

Objective 2.2: The City of Port Orange shall cooperate with the School Board to ensure existing deficiencies and future needs are addressed consistent with adopted level of service standards for public schools.

Policy 2.2.1: By December 1 of each year, the City of Port Orange shall adopt as part of its Capital Improvement Element the Volusia County School District five year work program approved in September of each year as part of the School
District budget, including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.

Policy 2.2.3: The City of Port Orange shall coordinate with the School Board and adopt development requirements to ensure that future development pays a proportionate share of the costs of capital facility capacity needed to accommodate new development and to assist in maintaining the adopted level-of-service standards via impact fees and other legally available and appropriate methods.
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REQUEST: Update and amend the Comprehensive Plan Capital Improvements Element (CIE) in accordance with Florida Statutes

APPLICANT: City of Port Orange

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION: Recommended Approval (November 15, 2018)

CITY COUNCIL: December 18, 2018

INTRODUCTION:
Each year, the City is required to amend their Comprehensive Plan Capital Improvements Element (CIE) to include projects from the City’s current Capital Improvements Program (CIP). The projects copied from the CIP are primarily improvements needed to maintain the City’s adopted level of service (LOS) standards for public facilities. These facilities include water, sewer, stormwater, solid waste, roads, parks, and schools. The CIP was adopted in concept by City Council on August 7, 2018, by Resolution No. 18-22. It was formally adopted as part of the FY19 Operating and Capital Budgets on September 19, 2018 by Resolution No. 18-38 and 18-39 respectively. The CIP includes various projects to support the LOS for City public facilities. The proposed amendments take these projects previously approved by Council with the CIP and add them into the CIE.

State law requires that local governments update their Comprehensive Plan Capital Improvements Element (CIE) every year to show that they have funded or planned to fund the public facility improvements needed to support their population1. The proposed amendments in Exhibit A are required to be in the underline/strikethrough format. For each table or text that is to be updated from the prior year (FY17/18 – 22/23) to the current year CIP (FY18/19 – 23/24) the deleted prior year text is struck through and the added current year text is underlined. Text neither struck through nor underlined remains as existing text.

PURPOSE:
Under the 1985 Growth Management Act, local governments are mandated to plan for the availability of public facilities and services to support development and the impacts of such development. The purpose of the CIE and the 5-year Capital Improvements Schedule is to identify the capital improvements needed to implement the Comprehensive Plan and ensure the adopted Level of Service (LOS) Standards for concurrency-related facilities are achieved and maintained.

1 Ch. 163.3177(3) F.S.
**DISCUSSION:**
The amendments to the CIE include the updated Schedule (copied from the City’s adopted FY 2018/19 – 2023/24 Capital Improvements Program) and other amendments to update data related to the Schedule and other statutorily required information, such as excerpts from the Transportation Planning Organization’s (TPO) Transportation Improvements Program (TIP) and the Volusia County School District Five-Year Work Program (Exhibit A, Tables 5 and 6).

The CIE Schedule includes projects required to meet or maintain adopted LOS standards for concurrency-related facilities or implement the Goals, Objectives, and Policies of the Comprehensive Plan (Exhibit A). The concurrency management system for the City of Port Orange is established by policy in the City’s Comprehensive Plan and administered through regulations contained within the City's Land Development Code.

The City is required to monitor the cumulative effect of all approved Development Orders and Development Permits on the capacity of public facilities. This obligation is met through individual concurrency reviews of development proposals and the annual Concurrency Management Report (CMR). The City’s concurrency review evaluates the following public facilities and services:

- Transportation
- Sanitary Sewer
- Potable Water
- Stormwater Drainage
- Solid Waste
- Recreation
- Public Schools

The 2018 CMR identified that all public facilities and services subject to concurrency are at sufficient levels based on adopted Level-of-Service (LOS). The CMR also identified improvements that are planned or programmed to ensure that the City continues to maintain the adopted LOS.

**RECOMMENDATION:**
Staff recommends approval of the adoption of the 2018 CIE Annual Update.

**ATTACHMENT:**
Exhibit A – Annual Update to the CIE (see Ordinance Exhibit)
SUBJECT: (G20) First Reading – Ordinance 2019-1 - LDC Text Amendment/ Chapter 15 - Residential Subdivision Signage (Case No. 18-25000008)

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Ordinance 2019-1, amending Chapter 15 of the Land Development Code.

SUMMARY: Planning Commission Action (12/13/18): Recommended Approval

The proposed amendment updates Chapter 15, Sections 4 and 7 of the Land Development Code (LDC) to allow for a freestanding sign(s) with a manual changeable copy reader board to be placed within a residential subdivision. The request to use changeable copy is typically associated with a Home Owner’s Association (HOA) wanting to display up to date information such as neighborhood meetings, general messages, and other events within the community. Currently, the LDC allows for residential subdivision entry signage but prohibits the use of manual changeable copy on any residential subdivision sign. The proposed amendment would allow a residential subdivision to install a freestanding sign(s) with a manual changeable copy area, in common area, oriented to face internally towards the subdivision. Any signage installed as a result of the proposed amendment would comply with the design requirements in the LDC regarding material, setbacks, height, and visual clearance angles.

The staff report is attached for more information.

Presenter: Penelope Cruz

ATTACHMENTS:

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Briana Conlan-King Created/Initiated - 12/17/2018
Tim Burman Approved - 12/17/2018
Shannon Balmer Approved - 12/26/2018
Jake Johansson Approved - 12/26/2018
ORDINANCE NO. 2019-1

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 15 RELATING TO RESIDENTIAL SUBDIVISION SIGNAGE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission has recommended amendments to the Land Development Code; and

WHEREAS, the proposed amendments would allow a residential subdivision to install a freestanding sign(s) with a manual changeable copy area, in common area, typically associated with communications within a residential community.

WHEREAS, the proposed amendment is necessary to improve the content of the existing Land Development Code (“Code”) in an effort to make zoning requirements of the Code more efficient and consistent in its application.

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (strikethrough) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends in part the Land Development Code, City of Port Orange, Florida, Chapter 15 – Signs, Section 4 – Permitted signs and Section 7 – Miscellaneous signs, to read as follows:

LAND DEVELOPMENT CODE FOR THE CITY OF PORT ORANGE, FLORIDA
Chapter 15 – SIGNS

[No changes to Sections (1) through (3.5)]
Section 4: - Permitted signs.

[No changes to Subsections (a), (b), (c) (d) and (e)]

(f) Residential zones.
[No changes to Sub-subsections (1) and (2)]

(3) Subdivision signs. The administrative official may permit residential subdivision entrance signs as part of the subdivision review process, or upon request of property owners after development has occurred. The administrative official's review shall consider size of the sign, color, materials, design, provision for maintenance, size of the subdivision, functional classification of the adjoining roadway(s) and land use in the area. Appeals of the administrative official's decision may be made to the planning commission as provided in chapter 3, section 6 of this code. The location of the sign(s) shall be in compliance with the visual clearance requirements of chapter 16, section 6 of this code.

(a) Signs That include manual changeable copy shall be allowed within a subdivision and shall be oriented, so the manual changeable copy area faces the internal streets within the subdivision.

(1) Maximum height: 8-feet.

(2) Maximum changeable copy area: 20 square-feet.

(3) Minimum setback from the right-of-way: 50-feet from arterial or collector roadway and 5-feet from a local public or private road.

(4) Sign to be located on property or within common area owned by a Homeowner’s Association (HOA) and written approval by the HOA shall be included as part of the sign permit application.

[No changes to Sub-subsection (4)]

[No changes to Subsection (g)]

[No changes to Sections 5 through 6]

Section 7: - Miscellaneous signs.

[No changes to Subsections (a) and (b)]

(c) Changeable copy signs. Changeable copy signs shall be regulated under the following guidelines.

(1) Freestanding signs with manual reader boards.

(a) Dunlawton Corridor District and East Volusia Beltline Properties: Changeable copy signs are prohibited except as described herein below.
(b) Ridgewood Development District: Changeable copy signs shall not comprise more than 50 percent of the permitted sign area and shall be included as part of the permitted sign area, except as described herein below.

(c) All other parcels: Changeable copy signs shall not comprise more than 25 percent of the permitted sign area and shall be included as part of the permitted sign area, except as described herein below.

(d) Motor vehicle service stations and convenience stores with gas pumps may utilize up to 100 percent of permitted sign area for changeable prices of gasolines only.

(e) Movie theaters and other performance/entertainment facilities may utilize up to 80 percent of permitted sign area for display of names of films, plays or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.

(f) Houses of worship may utilize up to 50 percent of permitted sign area for changeable copy.

(g) Changeable copy signs shall be prohibited for office, and industrial, and residential uses.

(h) Changeable copy signs shall be prohibited for residential use, except as allowed in Ch. 15, Sec. 4(f)(3).

[No Changes to Sections 8 through 12]

SECTION 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Port Orange and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: This Ordinance shall take effect immediately upon adoption.
ORD. NO. 2019-1

______________________________
MAYOR DONALD O. BURNETTE

ATTEST:

_____________________________________
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved:

______________________________
Shannon K. Balmer, Assistant City Attorney
REQUEST: To amend the Land Development Code (LDC) to allow a residential subdivision to install manual changeable copy sign within the subdivision.

APPLICANT: City of Port Orange

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676

PLANNING COMMISSION DATE: Recommended Approval (December 13, 2018)

CITY COUNCIL DATE: January 8, 2019

SUMMARY OF PROPOSED AMENDMENT
The proposed amendment is to allow for a freestanding sign(s) with a manual changeable copy reader board to be placed within a residential subdivision. Over the past few years, several Home Owner Associations (HOA) have inquired about installing freestanding signs with a manual changeable copy area near the HOA clubhouse or internally within the subdivision on common area. The request to use changeable copy is typically associated with a HOA wanting to display up to date information such as neighborhood meetings, general messages, and other events within the community. Currently, the LDC allows for residential subdivision entry signage but prohibits the use of manual changeable copy on any residential subdivision sign.

The proposed amendment would allow a residential subdivision to install a freestanding sign(s) with a manual changeable copy area reader subject to the following:

1) The sign shall be located within a common area for the HOA;
2) The maximum height of the sign shall not exceed 8 feet and the maximum area for the manual changeable copy area shall not exceed 20 square-feet;
3) As part of the sign permit application, a letter is required from the HOA documenting the sign has been discussed and voted upon at a recent HOA meeting;
4) The sign shall be setback 5’ from a local street right-of-way and 50’ from an arterial or collector road right-of-way;
5) The sign shall comply with all visual clearance requirements in the LDC; and
6) The manual changeable copy area shall be oriented to face internally into the subdivision and not outward toward an arterial or collector road or main intersection;
7) Only manual changeable copy area, electronic messages would be prohibited.

RECOMMENDATION
Approval of the amendment to the LDC to allow a residential subdivision to install manual changeable copy sign within the subdivision.
CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/08/2019

Consent item: No

SUBJECT: (G21) First Reading - Ordinance 2019-2 - LDC Amendment/Chapter 13 - Landscaping Requirements for Residential Lots (Case No. 18-25000009)

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Ordinance 2019-2, amending Chapter 13 of the Land Development Code.

SUMMARY: Planning Commission Action (12/1318): Recommended Approval

At the July 24 Environmental Advisory Board (EAB) meeting, the EAB discussed and recommended modifications to the City’s Tree Protection and Landscape requirements in the Land Development Code (LDC). Then, at the October 23, 2018 City Council Workshop, staff presented a summary of the EAB’s recommended modifications for discussion and Council direction. Based on the discussion at the workshop, staff was asked to move forward with implementing modifications to the LDC related to tree protection/preservation and landscaping requirements. Staff will bring these modifications to the LDC in a series of amendments over the next few months.

The proposed amendment to Chapter 13 of the LDC is to update the landscaping requirements for all residential lots. Based on the discussion at the City Council workshop, the initial amendment provides alternatives to plant or replant shade tree(s) on lots 6,000 square-feet or less and does not change the shade tree requirement of 1 shade tree per 2,500 square-feet, but it would allow for the administrative official to have the ability to allow the following alternatives, or a combination of the following for a residential lot 6,000 square-feet or less:

1. The use of understory trees at a ratio of two (2) understory trees per one (1) required shade tree;
2. The upsizing of a shade tree from a two-inch, 10-foot tall tree at the time of planting to a four-inch 14-foot tall tree at the time of planting and to count the upsized shade tree as two (2) shade trees; and
3. A contribution to the City’s Tree Mitigation Bank. The tree mitigation payment for a shade tree will be provided in a fee resolution that will accompany this item to Council.

The proposed amendment also modifies the number of shrubs to be installed with a new residential dwelling. The current code uses residential zoning districts to determine the number of shrubs required to be planted; however, not all City’s residential zoning districts are currently listed in this section. The proposed amendment will modify the shrub requirement based on lots size:
1. A lot greater than 20,000 square-feet is required to install 20 shrubs;
2. A lot that is 20,000 square-feet to 6,000 square-feet is required to install 12 shrubs; and
3. A lot less than 6,000 square-feet is required to install eight (8) shrubs.

The staff report is attached for more information.

Project No.:  Funding Account No.:

Presenter: Penelope Cruz

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Briana Conlan-King Created/Initiated - 12/17/2018
Tim Burman Approved - 12/18/2018
Shannon Balmer Approved - 12/26/2018
Jake Johansson Approved - 12/26/2018
Robin Fenwick Final Approval - 12/29/2018
ORDINANCE NO. 2019-2

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 13 RELATING TO LANDSCAPING REQUIREMENTS FOR RESIDENTIAL LOTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission has recommended amendments to the Land Development Code; and

WHEREAS, the proposed amendments would provide alternatives to plant or replant shade tree(s) on lots 6,000 square feet or less to comply with Land Development Code (“Code”).

WHEREAS, the proposed amendment is necessary to improve the content of the existing Land Development Code (“Code”) in an effort to update the City’s Tree Protection and Landscape requirements of the Code to allow for more flexibility for certain sized lots and compliance with the requirements of the City’s Code.

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (strikethrough) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends in part the Land Development Code, City of Port Orange, Florida, Chapter 13 – Landscaping and Buffers, Section 5.5 – Landscaping for single- and two-family residences, to read as follows:
LAND DEVELOPMENT CODE OF THE CITY OF PORT ORANGE, FLORIDA
Chapter 13 – Landscaping and Buffers

[No changes to Sections 1 through 5]

Section 5.5: - Landscaping for single- and two-family residences.

(a) Materials. Each single-family and two-family residence All residential lots shall maintain the following minimum landscaping:

1. Mobile home lot. One shade tree per 2,500 square feet of lot area, and 12 shrubs. Where gravel or crushed stone is used as a finished ground cover, the number of required shrubs shall be 24.

2. A or RR single-family lot. Seventeen shade trees or one shade tree per 2,500 square feet of lot area, whichever is more, and 25 shrubs.

3. R-7SF single-family lot. Three shade trees or one shade tree per 2,500 square feet of lot area, whichever is more, and 12 shrubs.

4. R-8SF single-family lot. Four shade trees or one shade tree per 2,500 square feet of lot area, whichever is more, and 12 shrubs.

5. R-10SF single-family lot. Four shade trees or one shade tree per 2,500 square feet of lot area, whichever is more, and 12 shrubs.

6. R-20SF single-family lot. Eight shade trees or one shade tree per 2,500 square feet of lot area, whichever is more, and 20 shrubs.

7. R-2D two-family lot (per unit). Two shade trees or one shade tree per 2,500 square feet of lot area, whichever is more, and ten shrubs.

8. R-2D zero lot line. Four shade trees and ten shrubs.

9. PUD single-family or two-family (per unit). As required for the most similar zoning district described in paragraphs (1) through (8) of this subsection.

(1) Trees:

(a) Lots 6,000 square feet or greater in area: One shade tree per 2,500 square feet of lot area.

(b) Lots less than 6,000 square feet in area: One shade tree per 2,500 square feet of lot area. When site specific conditions exist, which do not reasonably permit installation of the required number of shade trees, then the administrative official may allow for:

   (i) the use of understory trees at a 2:1 basis as shade trees,

   (ii) the upsizing of a shade tree from a two-inch, 10-foot tall tree at the time of planting to a four-inch 14-foot tall tree at the time of planting and to count the upsized shade tree as two (2) shade trees;
(iii) contribution to the city’s tree bank in an amount established by resolution of the City Council); or

(iv) combination of all of the above.

(2) Shrubs:

(a) A lot greater than 20,000 square-feet is required to install 20 shrubs;

(b) A lot that is 20,000 square-feet to 6,000 square-feet is required to install 12 shrubs; and

(c) A lot less than 6,000 square-feet is required to install eight (8) shrubs.

[No changes to Subsections (b), (c), (d), and (e)]

[No changes to Sections 6 through 10]

SECTION 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Port Orange and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: This Ordinance shall take effect immediately upon adoption.
ORD. NO. 2019-2

______________________________
MAYOR DONALD O. BURNETTE

ATTEST:

_____________________________________
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the __________ day of

Passed and adopted on second and final reading on the __________ day of

Reviewed and Approved: _______________________________
Shannon K. Balmer, Assistant City Attorney
REQUEST: To amend the Land Development Code (LDC) Chapter 13 to update the landscaping requirements for residential lots.

APPLICANT: City of Port Orange

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676

PLANNING COMMISSION DATE: December 13, 2018

CITY COUNCIL DATE: January 8, 2019

SUMMARY OF PROPOSED AMENDMENT
At the July 24 Environmental Advisory Board (EAB) meeting, the EAB discussed and recommended modifications to the City’s Tree Protection and Landscape requirements in the Land Development Code (LDC). Then, at the October 23, 2018 City Council Workshop, staff presented a summary of the EAB’s recommended modifications for discussion and Council direction. Based on the discussion at the workshop, staff was asked to move forward with implementing modifications to the LDC related to tree protection/preservation and landscaping requirements. Staff will bring these modifications to the LDC in a series of amendments over the next few months.

The proposed amendment does not change the shade tree requirement of 1 shade tree per 2,500 square-feet, but it does provide alternatives to plant or replant shade tree(s) on lots 6,000 square-feet or less to comply with code. The proposed amendment allows for the administrative official to have the ability to allow the following alternatives, or a combination of the following, in lieu of planting or replanting the required number of shade trees for a residential lot 6,000 square-feet or less:

1. The use of understory trees at a ratio of two (2) understory trees per one (1) required shade tree;
2. The upsizing of a shade tree from a two-inch, 10-foot tall tree at the time of planting to a four-inch 14-foot tall tree at the time of planting and to count the upsized shade tree as two (2) shade trees; and
3. A contribution to the City’s Tree Mitigation Bank. The tree mitigation payment for a shade tree will be provided in a fee resolution that will accompany this item to Council.

The intent of the proposed amendment is to provide flexibility for lots 6,000 square-feet or less to meet the City’s LDC requirements and maintain a residential tree canopy throughout the City.

The initial proposed amendment is to provide a property owner of a lot 6,000 square-feet or less with alternative options to meet the City’s one shade tree per 2,500 square feet of lot area requirement.

Over the past 10-15 years, there have been several residential subdivisions (Royal Palm, Coquina Cove, Westport Reserve, Port Orange Plantation, Cornerstone Grove, Woodhaven, etc.)
developed with lots less than 6,000 square-feet, and typically when a property owner of a smaller lot requests to remove a required shade tree on their lot, they are then required to plant a replacement shade tree at another location on the lot. However, on these smaller lots, space to plant a replacement shade tree(s) can be limited because of the home, driveway, accessory structures (pool, screen room, wood deck, patio, etc.), public/private infrastructure (FPL transformers, utility meter boxes, etc.), and existing tree roots. A typical standard planting area for a shade tree should be at least 30’ X 30’ so the tree roots have the area needed to establish and grow; and for these smaller lots, there is not enough space replant a required shade tree(s).

The proposed amendment also modifies the number of shrubs to be installed with a new residential dwelling. The current code uses residential zoning districts to determine the number of shrubs required to be planted; however, not all City’s residential zoning districts are currently listed in this section. The proposed amendment will modify the shrub requirement based on lots size:

1. A lot greater than 20,000 square-feet is required to install 20 shrubs;
2. A lot that is 20,000 square-feet to 6,000 square-feet is required to install 12 shrubs; and
3. A lot less than 6,000 square-feet is required to install eight (8) shrubs.

RECOMMENDATION
Approval of the amendment to Chapter 13 of the Land Development Code.
SUBJECT: (H22) First Reading - Ordinance No. 2019-3 - Amending Section 2-275 of the Code of Ordinances relating to Local Preference

DEPARTMENT: City Attorney

GOAL: 4 - Economic Development


SUMMARY: The City currently provides for local preference in its purchasing code (sec. 2-275) for expenditure contracts. However, the code does not contemplate local preference for revenue generating contracts. The change included in this ordinance adds language for the application of local preference to revenue generating solicitations when seeking highest and best responsible bids. This change follows along the logic previously incorporated for expenditure contracts.

Specifically, it allows Port Orange, Volusia County or Florida businesses that submitted a bid within 8%, 5% or 3% (respectively) of the highest and best responsible bid to provide a best and final bid of their own that is equal to or higher than the original high bid. This must be done within 5 working days of the bid opening.

As in the expenditure contracts, this allows local businesses an additional opportunity to do business with the City, while not negatively impacting the tax-payers of Port Orange.

Presenter: Alan Rosen

ATTACHMENTS:

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Tracy London Created/Initiated - 12/05/2018
Alan Rosen Approved - 12/20/2018
James Tillman Approved - 12/21/2018
Lori Bockelman Approved - 12/21/2018
Margaret Roberts Approved - 12/28/2018
ORDINANCE NO. 2019-3

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-275 TO ESTABLISH A NEW SUB-SECTION REGARDING APPLICATION OF THE LOCAL PURCHASING PREFERENCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is City Council’s intent to clarify the application of Section 2-275 as it relates to revenue-generating solicitations issued by the City of Port Orange; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (strikethrough) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: Chapter 2, Article VI, Division 2, Section 2-275 of the Code of Ordinances, City of Port Orange, is hereby amended, in part, to read as follows:

Chapter 2 – ADMINISTRATION

ARTICLE VI. - FINANCE

DIVISION 2. – PURCHASE AND SALE PROCEDURE

Sec. 2-275. – Local Purchasing Preference.

(a) – (b) [Remain Unchanged]

(c) Local preference process. Except where federal or state law, or any other funding source, mandates to the contrary, the city shall give preference to local businesses in the following manner:

(1) Competitive bids when seeking lowest and best responsible bid.
a. Except as set forth in subsection (2), this subsection (1) shall apply to City solicitations for formal bidding procedure in accordance with 2-262, Code of Ordinances.

b. Port Orange business. In any competitive bidding process where a bid submitted by a Port Orange business is within eight percent of the lowest and best responsible bid submitted by a non-Port Orange business, then the Port Orange business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.

cb. Volusia County business. In any competitive bidding process where a Volusia County business is within five percent of the lowest and best responsible bid submitted by a business other than a Port Orange business or Volusia County business, then the Volusia County business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.

de. Florida business. In any competitive bidding process where a Florida business is within three percent of the lowest and best responsible bid submitted by a non-local business, then the Florida business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.

dd. Tied bid preference. In case of a tie between a local business and a non-local business, the local business shall prevail. In case of a tie between two or more local businesses, the following order of preference shall control: first priority to Port Orange business, second priority to Volusia County business, and third priority to Florida business.

(2) Competitive bids when seeking highest and best responsible bid for revenue generating solicitations.

a. Except as set forth in this subsection (2), revenue-generating solicitations follow the same purchasing guidelines and solicitation requirements for the purchase of goods or services. Revenue-generating solicitations may include audit procedures which have been reviewed by the Finance Department. This subsection (2) shall apply to solicitations issued by the City of Port Orange that seek a revenue generating proposal, including but not limited to the following:

1. Sale or lease of property
2. Roll-offs
3. Wrecker Services
4. Concessions
5. Licensing Services
6. Copyrights
7. **Equipment and other personal property**

8. Any other solicitations that will generate revenue to the City of Port Orange, consistent with City of Port Orange Code of Ordinances and as otherwise authorized.

b. **Port Orange business.** In any competitive bidding process where a bid submitted by a Port Orange business is within eight percent of the highest and best responsible bid submitted by a non-Port Orange business, then the Port Orange business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or higher than the amount of the original high bid. The bid shall then be awarded to the highest and best responsible bidder.

c. **Volusia County business.** In any competitive bidding process where a Volusia County business is within five percent of the highest and best responsible bid submitted by a business other than a Port Orange business or Volusia County business, then the Volusia County business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or higher than the amount of the original high bid. The bid shall then be awarded to the highest and best responsible bidder.

d. **Florida business.** In any competitive bidding process where a Florida business is within three percent of the highest and best responsible bid submitted by a non-local business, then the Florida business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or higher than the amount of the original high bid. The bid shall then be awarded to the highest and best responsible bidder.

e. **Tied bid preference.** In case of a tie between a local business and a non-local business, the local business shall prevail. In case of a tie between two or more local businesses, the following order of preference shall control: first priority to Port Orange business, second priority to Volusia County business, and third priority to Florida business.

(3) **Request for proposals, qualifications or other qualitative submittals.** In any ranking conducted pursuant to a request for proposals, qualifications, or other qualitative submittals where the bidders are rated by a point system, local businesses shall be granted the following preference:

a. Port Orange business shall be granted up to eight percent of the available points.

b. Volusia County business shall be granted up to five percent of the available points.

c. Florida business shall be granted up to three percent of the available points.

d. **Tied bid preference.** In case of a tie between a local business and a non-local business, the local business shall prevail. In case of a tie between two or more local businesses, the following order of preference shall control:
first priority to Port Orange business, second priority to Volusia County business, and third priority to Florida business.

(d) – (e) [Remain Unchanged]

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention. The code codifier is granted liberal authority to codify the provisions of the ordinance.

SECTION 5. This ordinance shall become effective immediately upon adoption.

__________________________________________
MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved: ________________________________
Margaret T. Roberts, City Attorney
SUBJECT: (H23) First Reading - Ordinance No. 2019-4 - Amending the Code of Ordinances relating to the Golf Course Advisory Board

DEPARTMENT: City Clerk

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance No. 2019-4.

SUMMARY: Based on Council's discussion on December 4, 2018, the Golf Advisory Board composition shall be changed from seven (7) members to five (5) members and the requirement for a single council member shall be deleted. The proposed Ordinance revision is attached for Council's review. Through recent attrition the board currently has five sitting members.

Project No.:   Funding Account No.:

Presenter:

ATTACHMENTS:

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Robin Fenwick Created/Initiated - 12/10/2018
Alan Rosen Approved - 12/12/2018
Margaret Roberts Approved - 12/31/2018
Jake Johansson Approved - 12/31/2018
Robin Fenwick Final Approval - 01/02/2019
ORDINANCE NO. 2019-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 50-108, CODE OF ORDINANCES, TO REDUCE THE NUMBER OF MEMBERS ON THE GOLF ADVISORY BOARD AND REMOVE THE CITY COUNCILMEMBER POSITION ON THE GOLF ADVISORY BOARD; AMENDING SECTION 50-109, CODE OF ORDINANCES, TO PROVIDE FOR INITIAL APPOINTMENT TERMS; AMENDING SECTION 50-111, CODE OF ORDINANCES, TO REDUCE THE NUMBER OF BOARD MEMBERS NECESSARY TO FORM A QUORUM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Section 50-108 of the Code of Ordinances, City of Port Orange, Florida, is hereby amended to read as follows:

Sec. 50-108. - Composition and qualifications of members.

(a) The golf course advisory board shall consist of seven (7) five (5) members appointed by the city council consisting of a single council member and at least one member from each of the following organizations: Cypress Head Master Homeowners’ Association, Cypress Head Men’s Golf Association and Cypress Head Women’s Golf Association. However, in the event that no member(s) from the organizations mentioned above apply for a position to serve on the board, the seat may be filled by appointment of an otherwise qualified candidate by city council.
(b) Members of the board shall have knowledge of golf course operations. They should be guided by a sincere interest in developing and promoting the operation of the municipal golf course for the city and in accomplishing the purposes and goals set forth herein.

(c) Appointments shall be made on the basis of experience or interest in the areas of finance, insurance, golf course management, engineering, architecture, golf course maintenance, and construction.

Section 2. Section 50-109 of the Code of Ordinances, City of Port Orange, Florida, is hereby amended to read as follows:

Sec. 50-109. - Appointments and terms.

The initial appointments to the board shall be as follows:

(a) Two (2) members shall be appointed for a term expiring April 1, 2017.

(b) Two (2) members shall be appointed for a term expiring April 1, 2018.

(c) Three (3) members shall be appointed for a term expiring April 1, 2019.

Thereafter all appointments shall be made for a term of three (3) years. All terms shall expire on April 1 in the year of their given expiration. A board member may be reappointed for any number of consecutive terms.

Section 3. Section 50-111 of the Code of ordinances, City of Port Orange, Florida is hereby amended to read as follows:

Sec. 50-111. - Organization and procedures.

(a) – (d) [Remain unchanged.]
(e) **Quorum; rules of order.** The presence of four (4) three (3) or more members shall constitute a quorum of the board necessary to take action or conduct business. The board shall adopt Robert’s Rules of Order (latest edition) or such other written rules and procedures as may be desirable and necessary to promote and effectuate the purposes, objectives and business of the board in an orderly, timely and productive manner.

(f) *Remains unchanged.*

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared severable.

*[REMAINDER OF PAGE LEFT BLANK]*
Section 6. This Ordinance shall become effective upon adoption.

__________________________________________
MAYOR DONALD O. BURNETTE

ATTEST:

_______________________________
Robin L. Fenwick, CMC, City Clerk

Passed on first reading this _____ day of ____________________, 2019.

Passed and adopted on second reading and final reading on the ____ day of
______________________, 2019.

Reviewed and approved: _____________________________
Matthew J. Jones, Deputy City Attorney