



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 1/17/06

SUBJECT: 05-350000022 / PROPOSED DRAINAGE EASEMENT VACATION – HALIFAX MEDICAL CENTER PORT ORANGE SUBDIVISION, LOT 2 (1041 DUNLAWTON AVENUE; TAX PARCEL NO. 6309-30-00-0020)

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION

To approve Resolution #06-1, vacating the Drainage Easement located on Lot 2 of the Halifax Medical Center Port Orange subdivision, per the attached legal description.

SUMMARY

The Community Development Department has received a request to vacate a portion of the Drainage Easement located on Lot 2 of the Halifax Medical Center Port Orange subdivision. The property owner has made this request in connection with the proposed site and building improvements for the Halifax Medical Center. Required retention volumes for the development are being compensated by other retention area modifications required to be completed with site development.

The easement vacation application and legal description have been reviewed for completeness and accuracy. City departments have reviewed this request and have no outstanding concerns. Releases from property owners having rights to the easement have been obtained for the area of the easement described in Exhibit "A". The easement may be vacated to the extent that it is being modified.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	Submitted <i>[Signature]</i>	Date 1/6/06
FINANCE DEPARTMENT N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY <i>[Signature]</i>	Approved as to Form and Legality	Date 1-10-06
CITY MANAGER <i>[Signature]</i>	Approved Agenda Item For:	1/17/06

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Continued to Date Certain Approved with Modification

RESOLUTION NO. 06-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF PLATTED DRAINAGE EASEMENT FOR LOT 2, HALIFAX MEDICAL CENTER PORT ORANGE; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Halifax Hospital Medical Center, is the record owner of Lot 2, Halifax Medical Center Port Orange, according to the plat thereof as recorded in Plat Book 44, Pages 76 and 77, Public Records of Volusia County, Florida, and has applied for the vacation of a portion of drainage easement in order to provide for the proposed site and building improvements for the Halifax Medical Center; and

WHEREAS, the applicant has complied with the requirements of Section 177.101(4), Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has the power and authority to vacate easements under constitutional home rule powers, Chapter 166 and Chapter 177, Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has determined that the portion of the easement to be vacated is not presently in use and that adjoining and neighboring owners of property will not be adversely affected by the vacation of a portion of the easement and it is in the best interest and welfare of the City of Port Orange and the citizens thereof to vacate and abandon the portion of the drainage easement as more particularly described hereinbelow.

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

Section 1. The interest of the City of Port Orange, Volusia County, Florida, in the following described easement is hereby declared to be vacated and abandoned and any

(RES. NO. 06-)

right, title and interest of the City of Port Orange and any public rights in and to the easement hereby vacated are renounced and disclaimed. The portion of the platted easement to be vacated is more particularly described as follows:

See Exhibit "A", attached hereto and made a part hereof.

Section 2. The Mayor and City Manager are hereby authorized and directed to execute a Quit Claim Deed to the aforescribed property to effectuate the intent of this resolution.

Section 3. This resolution shall become effective immediately upon adoption.

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the day of

Reviewed and Approved:



City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A PORTION OF HALIFAX MEDICAL CENTER PORT ORANGE ACCORDING TO THE PLAT AS RECORDED IN PLAT BOOK 44, PAGES 76 AND 77 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF WOODBRIAR TRAIL A 100 FOOT RIGHT OF WAY AND THE NORTHERLY RIGHT OF WAY OF DUNLAWTON AVENUE A 200 FOOT RIGHT AS SHOWN ON THE AFORESAID PLAT OF HALIFAX MEDICAL CENTER PORT ORANGE; THENCE NORTH 56 DEGREES 01 MINUTES 11 SECONDS EAST ALONG THE SAID NORTHERLY RIGHT OF WAY OF DUNLAWTON AVENUE A DISTANCE OF 387.50 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY NORTH 33 DEGREES 57 MINUTES 22 SECONDS WEST A DISTANCE OF 52.88 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 55 DEGREES 50 MINUTES 54 SECONDS WEST A DISTANCE OF 62.54 FEET; THENCE NORTH 34 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 12.67 FEET; THENCE SOUTH 55 DEGREES 50 MINUTES 54 SECONDS WEST A DISTANCE OF 57.77 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 160.80 FEET; THENCE NORTH 42 DEGREES 21 MINUTES 19 SECONDS EAST A DISTANCE OF 106.02 FEET THENCE SOUTH 18 DEGREES 09 MINUTES 10 SECONDS EAST A DISTANCE OF 46.18 FEET; THENCE SOUTH 18 DEGREES 20 MINUTES 41 SECONDS WEST A DISTANCE OF 37.73 FEET; THENCE SOUTH 56 DEGREES 02 MINUTES 38 SECONDS WEST A DISTANCE OF 35.02 FEET; THENCE SOUTH 33 DEGREES 57 MINUTES 22 SECONDS EAST A DISTANCE OF 110.65 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINING 0.34 ACRES MORE OR LESS.

PREPARED BY: CITY ATTORNEY
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129

Parcel No. 6309-30-00-0020

QUIT CLAIM DEED

THIS INDENTURE, made this _____ day of _____, 2006, between THE CITY OF PORT ORANGE, a Florida municipality, of the County of Volusia and State of Florida, Grantor, and **HALIFAX HOSPITAL MEDICAL CENTER**, a special taxing district formed under the laws of the State of Florida, whose permanent address is: 303 N. Clyde Morris Boulevard, Daytona Beach, Florida 32114, Grantee.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and quit claim unto the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described land, situate, lying and being in Volusia County, Florida, to-wit:

See Exhibit "A," attached hereto and made a part hereof.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

CITY OF PORT ORANGE
a Florida municipality

By: _____
Mayor Allen Green

Witnesses

ATTEST: _____
Kenneth W. Parker,
City Manager

(Corporate Seal)

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by Allen Green and Kenneth W. Parker, as Mayor and City Manager, respectively, of the City of Port Orange, a Florida municipality, on behalf of said city. They are personally known to me.

Notary Public, State of
Florida at Large

Commission No. _____

C:\Legal\QCD\es vac lot 2 halifax hospital medical center.wpd

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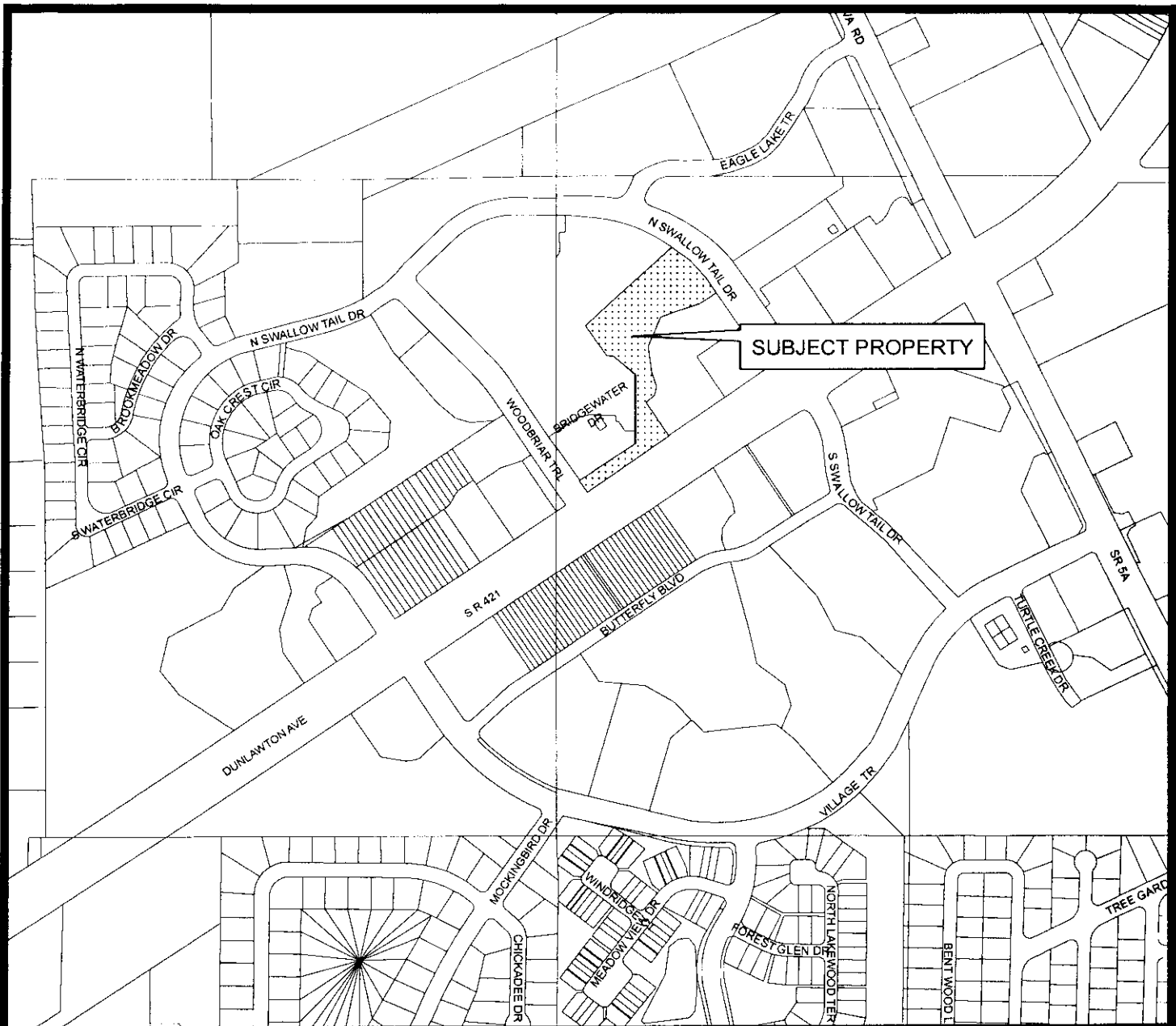
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Case No.: 05-35000022

Applicant: Michael Morgan, Halifax Medical Center

Location: Halifax Medical Center Port Orange

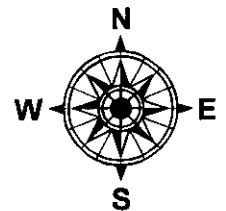
Requested Action: To vacate a portion of the drainage easement located over Lot 2 of the Halifax Medical Center Port Orange subdivision plat.

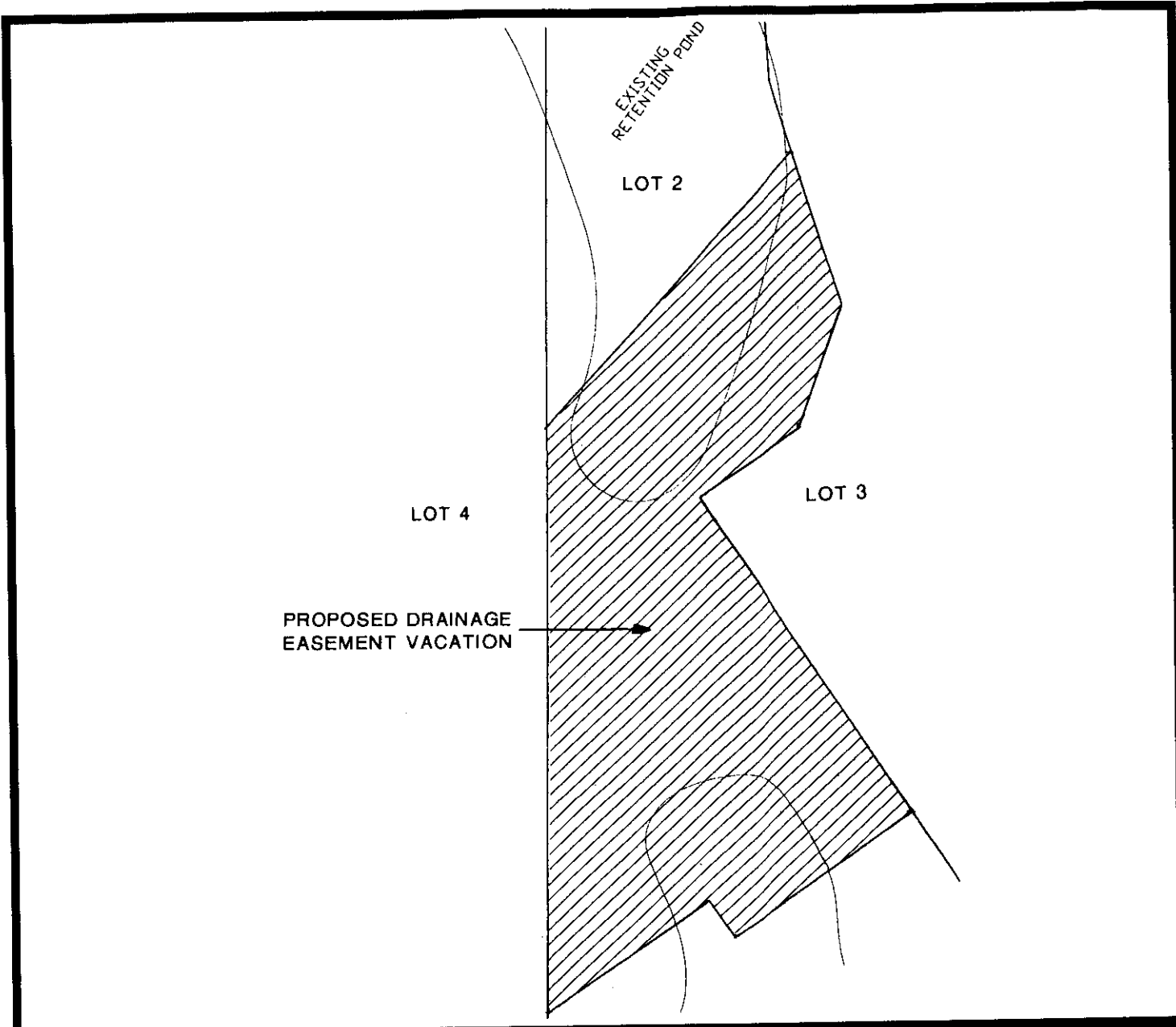


Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





Case No.: 05-350000022

Applicant: Michael Morgan, Halifax Medical Center

Location: Halifax Medical Center Port Orange

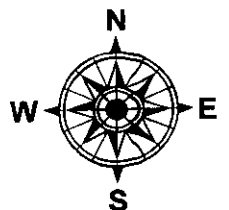
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Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 11-01-2005 Today's Date: 11-2-2005		Volusia County Property Appraiser's Office Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID	09-16-33-30-00-0020 6309-30-00-0020	Mill Group	402 PORT ORANGE		
Alternate Key	5362281	Millage Rate	23.24000		
Parcel Status	Active Parcel	PC Code	00		
Date Created	24 FEB 1993				
Owner Name	HALIFAX HOSPITAL MEDICAL CTR				
Owner Name/Address 1	303 N CLYDE MORRIS BLVD				
Owner Address 2	DAYTONA BEACH FL				
Owner Address 3					
Owner Zip Code	32114				
Location Address	DUNLAWTON AV PORT ORANGE				

LEGAL DESCRIPTION	
LOT 2 HALIFAX MEDICAL CENTER PORT ORANGE MB 44 PGS 76 & 77	
PER OR 4017 PGS 905-906	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4017	0905	6/1995	Quit Claim	Unqualified Sale	No	100

HISTORY OF VALUES						<input type="button" value="GO TO ADD'L HISTORY"/>	
YEAR	LAND	BUILDING	MISC	JUST	ASSESSED	EXEMPTION	TAXABLE VALUE
2005	300	0	0	300	300	300	0
2004	300	0	0	300	300	300	0

LAND DATA											
TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
Vacant - Retention Area	No Data	No Data	1.00	LOT	300.00	100	100	100	100	300	

06/29/1995 15:55
Doc stamps 0.75
Transfer fee \$ 10.00
Instrument # 95093595
Book: 4017
Page: 905

Prepared by and return to:
Alton L. Lightsey, Esq.
Carlton, Fields, Ward, Emmanuel,
Smith & Cutler, P.A.
P.O. Box 1171
Orlando, FL 32802

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 29th day of June, 1995, by COUNTRYSIDE P.U.D. COMMERCIAL LANDOWNERS ASSOCIATION, INC., a Florida not for profit corporation, whose post office address is c/o Nelson and Selwitz, 1166 Pelican Bay Drive, Daytona Beach, Florida 32119 ("Grantor"), to and in favor of HALIFAX HOSPITAL MEDICAL CENTER, a special taxing district formed under the laws of the State of Florida, whose address is 303 N. Clyde Morris Boulevard, Daytona Beach, Florida 32114, Attention: David J. Davidson ("Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to wit (the "Property"):

Lot 2, HALIFAX MEDICAL CENTER PORT ORANGE, according to the Map thereof, recorded in Map Book 44, Page 76, Public Records of Volusia County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee forever.

PROVIDED HOWEVER, this Deed is given in connection with that certain Certificate of Amendment to Declaration of Commercial Covenants and Restrictions Countryside Planned Unit Development Volusia County, Florida, dated June 28, 1995, recorded in Official Records Book 4017, Page 902, Public Records of Volusia County, Florida (the "Amendment"). The Amendment amends that certain Declaration of Commercial Covenants and Restrictions Countryside Planned Unit Development of Volusia County, Florida, recorded in Official Records Book 2423, Page 1947, as amended in Official Records Book 2800, Page 1489, Official Records Book 2910, Page 976, Official Records Book 3203, Page 911, Official Records Book 3203, Page 913, Official Records Book 3203, 916, and Official Records Book 3851, Page 237, all Public Records of Volusia County, Florida (the "Declaration"). Pursuant to the terms of the Amendment, the Grantee shall at all times comply with the conditions, covenants and restrictions set forth on Exhibit "A" attached hereto. Any violation or default by the Grantee under any of the conditions, covenants or restrictions set forth on Exhibit "A" attached hereto shall entitle the Grantor to the remedies set forth in Section 7.3(e) of the Declaration, as amended by the Amendment, including, without limitation, the right of the Grantor to re-enter onto the Property, take possession thereof and terminate the Grantee's interest therein.

IN WITNESS WHEREOF the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day

Exhibit "A"
Conditions, Covenants and Restrictions

1. The Grantee shall at all times maintain the Property as a surface water drainage lake, in full compliance with all permits, rules, laws and regulations of any and all governmental authorities having jurisdiction over the Property, including, without limitation the St. Johns River Water Management District. The Property shall at all times remain a part of the inter-connecting drainage system of Countryside P.U.D. The Grantee's ownership of the Property shall be subject to all terms and conditions of the Declaration, including, without limitation, the rights of the members of the Grantor to use the Property as Common Area (as defined in the Declaration), and shall also be subject to the perpetual, non-exclusive easement for drainage purposes in favor of all owners of residential and commercial lots, units and dwelling units in present and future subdivisions of Countryside P.U.D., as set forth in Section 7.1 of the Declaration.
2. The Grantee shall maintain the Property at its sole cost and expense for the benefit of the Grantor and its members. The Grantee shall maintain the Property in good, safe, working order and repair, in compliance with all applicable laws, rules and regulations, and the terms of the Declaration. The Grantee shall at all times maintain the Property in a lien free condition, and shall grant no liens or encumbrances against the Property.
3. The Grantee shall have the right to construct improvements on the Property. Such improvements shall not materially diminish or adversely effect the operation of the Property as a surface water drainage lake, nor shall such improvements materially interfere with the use of the Property by the members of the Grantor. Any such improvements constructed on the Property shall be built and maintained at the Grantee's sole cost and expense, and the Grantee shall complete such improvements in a lien free manner, and shall allow no liens or encumbrances to attach to the Property. All such improvements proposed by the Grantee to the Property shall be reviewed and approved by the Commercial Architectural Review Committee of the Grantor, pursuant to the terms of Article II of the Declaration. Upon completion, such improvements will become Common Areas under the Declaration.
4. In the event that the Grantee shall breach any of the conditions set forth in this Deed, the Grantor shall first give the Grantee written notice of such default, and the Grantee shall, upon receipt of such written notice, have thirty (30) days thereafter to cure such default. In the event such default shall not be cured by the end of such thirty (30) day period, the Grantor shall elect to either: (i) enter onto the Property, take such actions as may be necessary to cure such default of the Grantee, and any costs incurred by the Grantor in performing such cure shall become a personal debt and obligation of the Grantee, (ii) bring an action in equity against the Grantee for specific performance, or (iii) reenter the Property, take possession thereof, and terminate the Grantee's interest therein. The foregoing remedies shall not be cumulative in nature, and the Grantor must elect one of the foregoing as its sole and exclusive remedy. In the event that the Grantor shall elect the remedy set forth in (i), all such costs expended by the Grantor shall accrue interest at the maximum rate allowed by law until paid in full, and if the Grantee shall fail to pay such costs, the Grantor shall have a right to place a lien for such unpaid amounts against any other property of the Grantee within the Countryside P.U.D., and such lien may be foreclosed in the same manner as liens for nonpayment of assessments as set forth in Article V of the Declaration.

BOOK: 4017
Page: 907
Diane H. Matousek
Volusia County, Clerk of Court

and year first above written. The authority of the President of the Grantor to execute this Deed is evidenced by the Amendment.

Signed, sealed and delivered in the presence of:

COUNTRYSIDE P.U.D. COMMERCIAL LANDOWNERS ASSOCIATION, INC.

William J. Griffin
Name: William J. Griffin
Barbara J. Selwitz
Name: Barbara J. Selwitz

By: [Signature]
Name: Richard S. Kavan
Its: president

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 29th day of June, 1995, by Richard S. Kavan as President of COUNTRYSIDE P.U.D. COMMERCIAL LANDOWNERS ASSOCIATION, INC., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced as identification and did not take an oath.

Alton L. Lightsey
Name: _____
Notary Public



093599

MEMORANDUM

TO: CLERK CIRCUIT COURT
Volusia County

FROM: JOSHUA J. POPE
COBB COLE & BELL
POST OFFICE BOX 2491
DAYTONA BEACH, FLORIDA 32115-2491
255-1811 X 225

RE: Halifax Hospital Medical Center/Countryside Medical Center Association, Inc.
and
Halifax Hospital Medical Center/City of Port Orange

DATE: January 3, 2006

Enclosed please find a Quit Claim Deed and a Non-Exclusive Access Easement for recording. Also enclosed is a check in the amount of \$54.70 for the recording costs (\$27.70 for the Deed and \$27.00 for the Easement) as well as the DR-219 form.

Please return these instruments to our offices when recordation has been completed. A return envelope is enclosed for your convenience.

Thank you.

Joshua J. Pope



/lr

Enclosures

12/30/05

Draft Document

This instrument Prepared By:
Joshua J. Pope, Esq.
Cobb & Cole
Post Office Box 2491
150 Magnolia Avenue
Daytona Beach, FL 32115-2491

Submitted to City as
part of easement
vacation process.
Document will be
recorded by applicant

QUIT CLAIM DEED
(Drainage, Access and Utility Easements)

THISs QUIT CLAIM DEED is made and executed this 8th day of November, 2005, by **WILLIAM GRIFFIN**, the former President of **COUNTRYSIDE MEDICAL CENTER ASSOCIATION, INC.**, a dissolved Florida not for profit corporation, (which corporation was administratively dissolved on September 24, 1999, for failure to file annual report), whose address is 303 N. Clyde Morris Boulevard, Daytona Beach, FL, 32114, Grantor, to **HALIFAX HOSPITAL MEDICAL CENTER**, a Special Taxing District and Political Subdivision of the State of Florida, organized and existing under Chapter 79-577, Laws of Florida, as amended, Grantee, whose mailing address is Post Office Box 2830, Daytona Beach, Florida 32120.

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby remise, release, and quit claim to the Grantee, its successors and assigns forever, all the right, title and interest of Countryside Medical Center Association, Inc., in and to the following described land situate, lying and being in the County of Volusia, State of Florida, being more particularly described as follows:

THOSE PORTIONS OF DRAINAGE, ACCESS AND UTILITY EASEMENTS DEDICATED TO COUNTRYSIDE MEDICAL ASSOCIATION, INC., IN THE DEDICATION OF THE PLAT OF HALIFAX MEDICAL CENTER PORT ORANGE, RECORDED IN PLAT BOOK 44, PAGES 76 AND 77, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Countryside Medical Association, Inc., its successors and/or assigns, to the use and benefit of the Grantee, and Grantee's successors and/or assigns forever.

GRANTOR REPRESENTS AND WARRANTS THAT THE PROPERTY CONVEYED HEREBY IS NOT HIS "HOMESTEAD" OR "HOMESTEAD REAL ESTATE" AS THOSE TERMS ARE USED IN SECTION 4(C), ARTICLE X, OF THE FLORIDA CONSTITUTION, AND THAT NEITHER HE NOR ANY MEMBER OF HIS FAMILY RESIDES UPON THE LANDS HEREBY CONVEYED OR ANY LANDS CONTIGUOUS THERETO.

THE PURPOSE OF THIS QUIT CLAIM DEED IS APPROPRIATE TO WIND UP AND LIQUIDATE THE BUSINESS AND AFFAIRS OF COUNTRYSIDE MEDICAL CENTER ASSOCIATION, INC., A DISSOLVED FLORIDA NOT FOR PROFIT CORPORATION. SAID CORPORATION WAS ADMINISTRATIVELY DISSOLVED FOR FAILURE TO FILE AN ANNUAL REPORT ON SEPTEMBER 24, 1999.

IN WITNESS WHEREOF, the Grantor has caused this QUIT CLAIM DEED to be executed as of the day and year first above written.

Signed, sealed, and delivered in our presence:

Joe Petrock
Joe Petrock

(Name Printed or Typed)
Kim A. DiIorio
Kim A. DiIorio
(Name Printed or Typed)

William Griffin
William Griffin

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing Quit Claim Deed was acknowledged before me this 8th day of November, 2005, by William Griffin, the former President of Countryside Medical Center Association, Inc., a dissolved Florida not for profit corporation.. He is personally known to me or has produced _____ as identification.

NOTARY PUBLIC:

Sign: Mary Beth Chvisuk
Print: MARY BETH CHVISUK
State of Florida at Large

(Seal)
My Commission Expires: 1/20/07
Title/Rank: _____
Commission Number: 153875

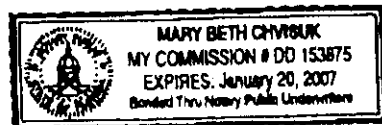


EXHIBIT "A"

THAT PORTION OF A 24 FOOT ACCESS, UTILITY AND DRAINAGE EASEMENT AS SHOWN ON THE PLAT OF HALIFAX MEDICAL CENTER PORT ORANGE, PER PLAT RECORDED IN PLAT BOOK 44, PAGES 76 AND 77, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN SECTION 8 AND 9, TOWNSHIP 16 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA.

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF LOT 1, COUNTRYSIDE MEDICAL COMPLEX PHASE I, PER PLAT RECORDED IN PLAT BOOK 38, PAGE 190 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID POINT LYING ON THE NORTHERLY LINE OF SAID 24 FOOT ACCESS, UTILITY AND DRAINAGE EASEMENT: THENCE ALONG THE LIMITS OF SAID EASEMENT THE FOLLOWING COURSES AND DISTANCES SOUTH 88 DEGREES 54 MINUTES 36 SECONDS EAST, A DISTANCE OF 38.86 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 90.00 FEET; THENCE ALONG THE ARC OF SAID CURVE PASSING THROUGH A CENTRAL ANGLE OF 35 DEGREES 04 MINUTES 13 SECONDS AN ARC DISTANCE OF 55.08 FEET; THENCE NORTH 56 DEGREES 01 MINUTES 11 SECONDS EAST A DISTANCE OF 41.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 40 MINUTES 30 SECONDS, AN ARC DISTANCE OF 32.88 FEET; THENCE NORTH 18 DEGREES 20 MINUTES 41 SECONDS EAST, A DISTANCE OF 105.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 59.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 41 MINUTES 57 SECONDS, AN ARC DISTANCE OF 38.82 FEET; THENCE DEPARTING SAID CURVE, SOUTH 33 DEGREES 57 MINUTES 22 SECONDS EAST (RADIAL), A DISTANCE OF 24.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY, SAID CURVE HAVING A RADIUS OF 35.00 FEET, A CHORD BEARING OF SOUTH 37 DEGREES 11 MINUTES 40 SECONDS WEST, A CHORD LENGTH OF 22.62 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 41 MINUTES 57 SECONDS, AN ARC LENGTH OF 23.03 FEET; THENCE SOUTH 18 DEGREES 20 MINUTES 41 SECONDS WEST, A DISTANCE OF 105.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 74.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 40 MINUTES 30 SECONDS, AN ARC DISTANCE OF 48.66 FEET; THENCE SOUTH 56 DEGREES 01 MINUTES 11 SECONDS WEST, A DISTANCE OF 41.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 114.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 35 DEGREES 04 MINUTES 13 SECONDS, AN ARC DISTANCE OF 69.78 FEET; THENCE NORTH 88 DEGREES 54 MINUTES 36 SECONDS WEST, A DISTANCE OF 38.86 FEET; THENCE NORTH 01 DEGREES 05 MINUTES 24 SECONDS EAST, A DISTANCE OF 24.00 FEET TO THE NORTHEAST CORNER OF AFORESAID LOT 1, COUNTRYSIDE MEDICAL COMPLEX, PHASE I AND THE POINT OF BEGINNING OF THIS DESCRIPTION.
ABOVE DESCRIBED CONTAINING 0.18 ACRES MORE OR LESS.

12/30/05
Draft Document

Submitted to City as
part of easement vacation
process. Document will
be recorded by applicant

This instrument Prepared By:
Joshua J. Pope, Esq.
Cobb & Cole
Post Office Box 2491
150 Magnolia Avenue
Daytona Beach, FL 32115-2491

QUIT CLAIM DEED
(Drainage, Access and Utility Easements)

THIS QUIT CLAIM DEED is made and executed this ____ day of December, 2005, by **CABB COMPANY, LLC**, Florida limited liability company, whose address is 143 Via Capri, New Smyrna Beach, Florida 32169, Grantor, to **HALIFAX HOSPITAL MEDICAL CENTER**, a Special Taxing District and Political Subdivision of the State of Florida, organized and existing under Chapter 79-577, Laws of Florida, as amended, Grantee, whose mailing address is Post Office Box 2830, Daytona Beach, Florida 32120.

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby remise, release, and quit claim to the Grantee, and Grantee's successors and assigns forever, all the right, title and interest of the Grantor in and to the following described land situate, lying and being in the County of Volusia, State of Florida, being more particularly described as follows:

THOSE PORTIONS OF DRAINAGE, ACCESS AND UTILITY EASEMENTS DEDICATED TO GRANTOR IN THE DEDICATION OF THE PLAT OF HALIFAX MEDICAL CENTER PORT ORANGE, RECORDED IN PLAT BOOK 44, PAGES 76 AND 77, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" and "B" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, to the use and benefit of the Grantee, and Grantee's successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this Quit Claim Deed to be executed as of the day and year first above written.

Signed, sealed, and delivered
in our presence:

CABB COMPANY, LLC,
a Florida limited liability company

(Name Printed or Typed)

By: _____
Name: Anna Hagle
Its: Sole Managing Member

(Name Printed or Typed)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing Quit Claim Deed was acknowledged before me this ____ day of December, 2005, by Anna Hagle, as the sole Managing Member of CABB COMPANY, LLC, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced _____ as identification.

NOTARY PUBLIC:

Sign: _____
Print: _____
State of Florida at Large
(Seal)
My Commission Expires: _____
Title/Rank: _____
Commission Number: _____

EXHIBIT "A"

Description of Portion of Access and Utility Easement

EXHIBIT "A"

THAT PORTION OF A 24 FOOT ACCESS, UTILITY AND DRAINAGE EASEMENT AS SHOWN ON THE PLAT OF HALIFAX MEDICAL CENTER PORT ORANGE, PER PLAT RECORDED IN PLAT BOOK 44, PAGES 76 AND 77, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN SECTION 8 AND 9, TOWNSHIP 16 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA.

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF LOT 1, COUNTRYSIDE MEDICAL COMPLEX PHASE I. PER PLAT RECORDED IN PLAT BOOK 38, PAGE 190 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID POINT LYING ON THE NORTHERLY LINE OF SAID 24 FOOT ACCESS, UTILITY AND DRAINAGE EASEMENT: THENCE ALONG THE LIMITS OF SAID EASEMENT THE FOLLOWING COURSES AND DISTANCES SOUTH 88 DEGREES 54 MINUTES 36 SECONDS EAST, A DISTANCE OF 38.86 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 90.00 FEET: THENCE ALONG THE ARC OF SAID CURVE PASSING THROUGH A CENTRAL ANGLE OF 35 DEGREES 04 MINUTES 13 SECONDS AN ARC DISTANCE OF 55.08 FEET; THENCE NORTH 56 DEGREES 01 MINUTES 11 SECONDS EAST A DISTANCE OF 41.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 40 MINUTES 30 SECONDS, AN ARC DISTANCE OF 32.88 FEET; THENCE NORTH 18 DEGREES 20 MINUTES 41 SECONDS EAST, A DISTANCE OF 105.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 59.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 41 MINUTES 57 SECONDS, AN ARC DISTANCE OF 38.82 FEET; THENCE DEPARTING SAID CURVE, SOUTH 33 DEGREES 57 MINUTES 22 SECONDS EAST (RADIAL), A DISTANCE OF 24.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY, SAID CURVE HAVING A RADIUS OF 35.00 FEET, A CHORD BEARING OF SOUTH 37 DEGREES 11 MINUTES 40 SECONDS WEST, A CHORD LENGTH OF 22.62 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 41 MINUTES 57 SECONDS, AN ARC LENGTH OF 23.03 FEET; THENCE SOUTH 18 DEGREES 20 MINUTES 41 SECONDS WEST, A DISTANCE OF 105.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 74.00 FEET: THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 37 DEGREES 40 MINUTES 30 SECONDS, AN ARC DISTANCE OF 48.66 FEET; THENCE SOUTH 56 DEGREES 01 MINUTES 11 SECONDS WEST, A DISTANCE OF 41.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 114.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 35 DEGREES 04 MINUTES 13 SECONDS, AN ARC DISTANCE OF 69.78 FEET; THENCE NORTH 88 DEGREES 54 MINUTES 36 SECONDS WEST, A DISTANCE OF 38.86 FEET; THENCE NORTH 01 DEGREES 05 MINUTES 24 SECONDS EAST, A DISTANCE OF 24.00 FEET TO THE NORTHEAST CORNER OF AFORESAID LOT 1, COUNTRYSIDE MEDICAL COMPLEX, PHASE I AND THE POINT OF BEGINNING OF THIS DESCRIPTION.
ABOVE DESCRIBED CONTAINING 0.18 ACRES MORE OR LESS.

EXHIBIT "B"

Description of Portion of Drainage/Retention Easement

LEGAL DESCRIPTION: DRAINAGE EASEMENT VACATION

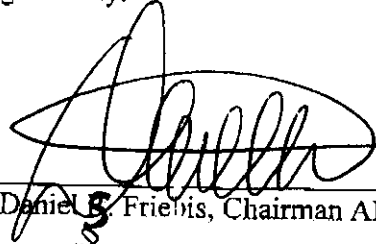
A PORTION OF HALIFAX MEDICAL CENTER PORT ORANGE ACCORDING TO THE PLAT AS RECORDED IN PLAT BOOK 44, PAGES 76 AND 77 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF WOODBRIAR TRAIL A 100 FOOT RIGHT OF WAY AND THE NORTHERLY RIGHT OF WAY OF DUNLAWTON AVENUE A 200 FOOT RIGHT AS SHOWN ON THE AFORESAID PLAT OF HALIFAX MEDICAL CENTER PORT ORANGE; THENCE NORTH 56 DEGREES 01 MINUTES 11 SECONDS EAST ALONG THE SAID NORTHERLY RIGHT OF WAY OF DUNLAWTON AVENUE A DISTANCE OF 387.50 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY NORTH 33 DEGREES 57 MINUTES 22 SECONDS WEST A DISTANCE OF 52.88 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 55 DEGREES 50 MINUTES 54 SECONDS WEST A DISTANCE OF 62.54 FEET; THENCE NORTH 34 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 12.67 FEET; THENCE SOUTH 55 DEGREES 50 MINUTES 54 SECONDS WEST A DISTANCE OF 57.77 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 169.80 FEET; THENCE NORTH 42 DEGREES 21 MINUTES 19 SECONDS EAST A DISTANCE OF 106.02 FEET THENCE SOUTH 18 DEGREES 09 MINUTES 10 SECONDS EAST A DISTANCE OF 46.18 FEET; THENCE SOUTH 18 DEGREES 20 MINUTES 41 SECONDS WEST A DISTANCE OF 37.78 FEET; THENCE SOUTH 56 DEGREES 02 MINUTES 38 SECONDS WEST A DISTANCE OF 35.02 FEET; THENCE SOUTH 33 DEGREES 57 MINUTES 22 SECONDS EAST A DISTANCE OF 110.65 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINING 0.34 ACRES MORE OR LESS.

TO THE CITY OF PORT ORANGE, FLORIDA

Pursuant to the Declaration of Commercial Covenants and Restrictions Countryside Planned Unit Development, as amended from time to time, the Architectural Review Committee ("ARC") of Countryside P.U.D. Commercial Landowners Association, Inc., hereby consents to Halifax Medical Center's proposed draining/vacating a portion of the Lot 11 retention areas as it relates to Halifax Medical Center's expansion of its Port Orange facility.

Dated: December 21, 2005


As Chairman
for ARC
Daniel S. Friebis, Chairman ARC



FINANCIAL AND ADMINISTRATIVE SERVICES

Revenue Ad Valorem Tax
123 W. Indiana Avenue Room 103 Deland, Florida 32720
(386) 736-5938 FAX (386) 822-5729
www.volusia.org

CERTIFICATION

DATE: 10/13/05

PARCEL: 6309-30-00-0020

**LEGAL: LOT 2 HALIFAX MEDICAL CENTER PORT ORANGE MB 44 PGS 76
& 77 PER OR 4017 PGS 905-906**

PROPERTY OWNER: HALIFAX HOSPITAL MEDICAL CTR

PROPERTY ADDRESS: DUNLAWTON, PORT ORANGE

I, Bernard J. Kane, Revenue Director for the County of Volusia hereby certify that there are no delinquent or unpaid real estate taxes against or due on the lands described below as required by Section 197.192 of the Florida Statutes

Bernard J. Kane, Revenue Director

By: 



CITY OF PORT ORANGE

Department of Community Development
Engineering Division

CASE NO. <u>05-35000022</u> <hr/> DATE APPLICATION RECEIVED <u>10/26/05</u>
--

1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129 (386) 756-5250 FAX: (386) 756-5267

EASEMENT VACATION APPLICATION

Property Owner: Halifax Hospital Medical Center c/o Michael Morgan

Address: P.O. Box 2830, Daytona Beach, FL 32115

Phone: 386/254-4270

Applicant's Name (if other than owner): Michael Morgan - Manager of Facilities Operations

Address: P.O. Box 2830, Daytona Bch, FL 32115 Phone: 386/254-4270

Property Address/Location: 1041 Dunlawton Avenue, Port Orange, FL 32129

Subdivision Name: N/A

Lot Number(s): _____	Parcel No.: <u>6309-30-00-0020</u>
	<u>6309-30-00-0030</u>
	<u>6309-30-00-0040</u>

Legal Description of proposed easement vacation: _____
See attached Legal and Unity of Title.

Purpose for proposed easement vacation: Expansion of existing Medical Hospital and relocation of existing facilities.

- ### REQUIRED ATTACHMENTS
1. Sealed property survey showing all structures, easements, area of proposed easement vacation;
 2. Legal description of proposed easement vacation;
 3. Copy of recorded deed for the property;
 4. Application/recording fee of \$250 (payable to the City of Port Orange); and
 5. Completed application form (signatures required on reverse side of application form)

Applicant's Signature: _____ Date: _____

I HEREBY GRANT AUTHORIZATION FOR THE ABOVE LISTED APPLICANT TO ACT IN MY BEHALF:

Owner's Signature: Michael S. Morgan Date: 10/12/05

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this OCTOBER 12, 2005 by MICHAEL S. MORGAN, who is personally known to me or who has produced PERSONALLY KNOWN as identification and who did (did not) take an oath.

Martha W. Bailey Notary Public, Commission No. DD089613
(Signature)
MARTHA W. BAILEY
(Name of Notary typed, printed or stamped)



Martha W. Bailey
MY COMMISSION # DD089613 EXPIRES
February 6, 2006
BONDED THRU TROY FAIN INSURANCE, INC.