CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 1/17/06

SUBJECT: 02-350000016 / PROPOSED TREE CONSERVATION EASEMENT VACATION – HALIFAX MEDICAL CENTER PORT ORANGE SUBDIVISION, LOT 3 (1041 DUNLAWTON AVENUE; TAX PARCEL NO. 6309-30-00-0030)

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION
To approve Resolution #06-2, vacating a Tree Conservation Easement located on Lot 3 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 Tree Conservation Easement located on Lot 3 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.

The easement vacation application and legal description have been reviewed for completeness and accuracy. Replacement mitigation requirements have been agreed to between the Community Development Landscape Architect and the Developer. The mitigation and a replacement Tree Conservation Easement will be required prior to the issuance of a certificate of occupancy for the building improvements. Other City departments have reviewed this request and have no outstanding concerns. The easement may be vacated to the extent that it is being mitigated for on site.

ATTACHMENTS: [ ] Ordinance [x] Resolution [ ] Budget Resolution

[ ] Other [ ] Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	Submitted	Fred W Lappen	Date 1/9/06
FINANCE DEPARTMENT N/A	Approved as to Budget Requirements		Date
CITY ATTORNEY	Approved as to Form and Legality		Date 1-10-06
CITY MANAGER	Approved Agenda Item For:		1/17/06

COUNCIL ACTION: [ ] Approved as Recommended [ ] Disapproved

[ ] Tabled Indefinitely [ ] Continued to Date Certain [ ] Approved with Modification

RESOLUTION NO. 06-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A TREE CONSERVATION EASEMENT FOR LOT 3, 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 3, Halifax Medical Center Port Orange, according to the plat thereof, recorded in Plat Book 44, Pages 76 and 77, Public Records of Volusia County, Florida, and have applied for the vacation of a tree conservation easement in connection with the proposed site and building improvements for the Halifax Medical Center; and

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

WHEREAS, the City Council of the City of Port Orange has determined that the easement to be vacated is not presently necessary and that vacation of the easement is consistent with the objectives of the City's tree protection requirements and it is in the best interest and welfare of the City of Port Orange and the citizens thereof to vacate and abandon the tree conservation 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 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 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 aforedescribed property to effectuate the intent of this resolution.

Section 3. Mitigation requirements and a replacement Tree Conservation Easement will be required prior to the issuance of a certificate of occupancy for the building improvements.

Section 4. This resolution shall become effective immediately upon recording in the public records of Volusia County, Florida.

_____
MAYOR ALLEN GREEN

ATTEST:

_____
Kenneth W. Parker, City Manager

Adopted on the day of

Reviewed and Approved: _____
City Attorney

C:\Legal\RES\cons tree ev lot 3 halifax hospital.wpd

EXHIBIT "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

THAT CERTAIN TREE CONSERVATION EASEMENT LYING WITHIN LOT 3, 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 SECTIONS 8 AND 9, TOWNSHIP 16 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF LOT 3, SAID HALIFAX MEDICAL CENTER PORT ORANGE, SAID POINT LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF DUNLAWTON BOULEVARD; THENCE N 33°57'22"W, A DISTANCE OF 183.53 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING THE NORTHWEST CORNER OF THE EASEMENT TO BE VACATED; THENCE, ALONG THE LIMITS OF SAID EASEMENT THE FOLLOWING COURSES AND DISTANCES: THENCE N 56°02'38" E, A DISTANCE OF 35.00 FEET; THENCE S 28°44'11" W, A DISTANCE OF 25.67 FEET; THENCE S 52°36'11" W, A DISTANCE OF 12.22 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE N 33°57'22" W, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 13.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

ABOVE DESCRIBED CONTAINING 281 SQUARE FEET, MORE OR LESS.

NOTE: BEARING STRUCTURE BASED ON THE PLAT OF HALIFAX MEDICAL CENTER PORT ORANGE, PLAT BOOK 44, PAGES 76 AND 77, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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

Parcel No. 6309-30-00-0030

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**, whose permanent address is: P. O. Box 2830, Daytona Beach, Florida 32215, 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\cons ev lot 3 halifax hospital.wpd

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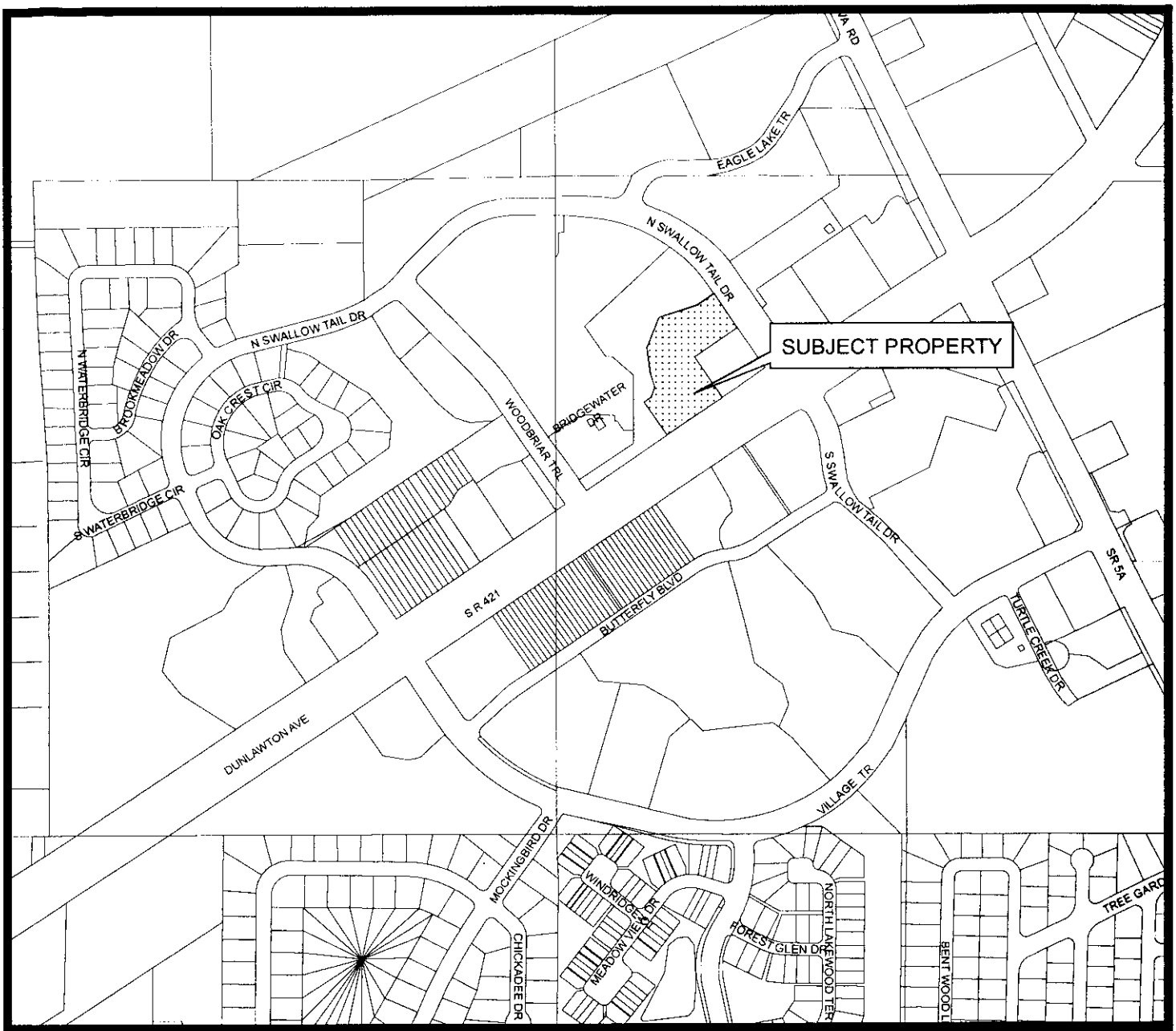

Case No.: 02-350000016

Applicant: Michael Morgan, Halifax Medical Center

Location: Halifax Medical Center Port Orange

Requested Action: To vacate a tree conservation easmement located on Lot 3 of the Halifax Medical Center Port Orange subdivision plat.

Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

N
W E
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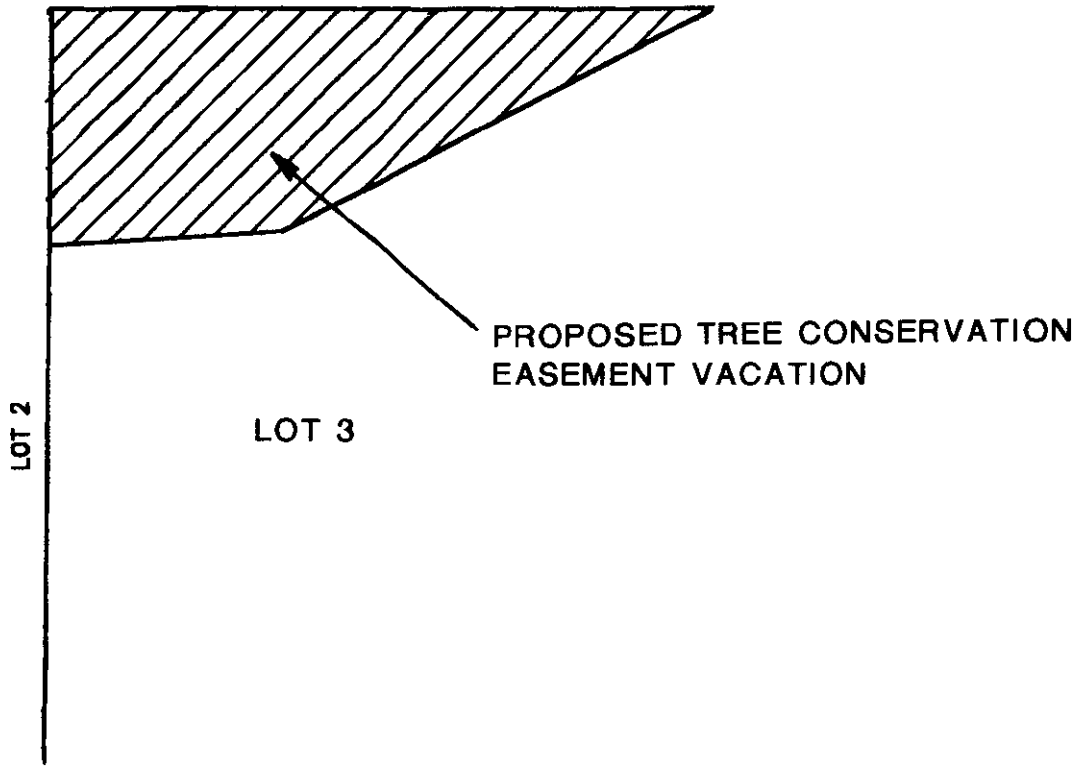

Case No.: 02-350000016

Applicant: Michael Morgan, Halifax Medical Center

Location: Halifax Medical Center Port Orange

Requested Action: To vacate a tree conservation easmement located on Lot 3 of the Halifax Medical Center Port Orange subdivision plat.

Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

N W E S

Volusia County Appraisers Office

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		Volusia County FLORIDA
Full Parcel ID Short Parcel ID	09-16-33-30-00-0030 6309-30-00-0030	Mill Group	402 PORT ORANGE
Alternate Key	5362299	Millage Rate	23.24000
Parcel Status	Active Parcel	PC Code	85
Date Created	24 FEB 1993		
Owner Name	HALIFAX HOSPITAL MED CENTER		
Owner Name/Address 1			
Owner Address 2	P O BOX 2830		
Owner Address 3	DAYTONA BEACH FL		
Owner Zip Code	321202830		
Location Address	1041 DUNLAWTON AV PORT ORANGE		

LEGAL DESCRIPTION

GO TO ADD'L LEGAL

LOT 3 & PT OF LOT 4 BEING N 349.86 FT OF S 614.85 FT ON

SW/L N OF DUNLAWTON BLVD & MEAS 361.36 FT ON W/L & 221.42

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3777	3248	10/1992	Warranty Deed	Multi parcel sale	No	850,000

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BUILDING	MISC	JUST	ASSESSED	EXEMPTION	TAXABLE VALUE
2005	3,075,406	16,347,795	14,544	19,437,745	19,437,745	19,437,745	0
2004	2,737,272	15,053,253	12,987	17,803,512	17,803,512	17,803,512	0

LAND DATA

TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
Hospital	No Data	No Data	322032.00	SQUARE FEET	9.55	100	100	100	100	3,075,406

BOOK	PAGE		
3777	3248	RECORD VERIFIED	CLERK OF THE CIRCUIT COURT VOLUSIA CTY. FL.
VOLUSIA CO. FL		137465	92 OCT 12 AM 8:45

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed the 8th day of October, 1992, by COUNTRYSIDE MANAGEMENT CONSULTANTS AND INVESTMENTS, INC., a Florida corporation, formerly known as COUNTRYSIDE OFFICES, INC., whose address is 2101 West State Road 434, Suite 100, Longwood, Florida 32779 (hereinafter called the "Grantor"), to HALIFAX HOSPITAL MEDICAL CENTER, a special taxing district formed under the laws of the State of Florida, whose post office address is P.O. Box 2830, Daytona Beach, Florida 32215 (hereinafter called the "Grantee"):

W I T N E S S E T H:

THAT the Grantor, for and in consideration of the sum of TEN DOLLARS ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Volusia County, Florida, described on Exhibit "A" attached hereto and made a part hereof by this reference thereto.

Subject to Taxes for the year 1992 and thereafter, and easements, restrictions and matters of record, if any. This reference to and easements, restrictions and matters of record shall not serve to reimpose the same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land; and that it will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but against none other.

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 and year first above written.

Signed, sealed and delivered in the presence of:

Name: Michael Ryan

Name: Alan L. Lightsey

COUNTRYSIDE MANAGEMENT CONSULTANTS AND INVESTMENTS, INC., formerly known as COUNTRYSIDE OFFICES, INC., a Florida corporation

By: _____
Marc Hagle, President

TAX ID 6309-09-01-00-0000

SELLER'S ADDRESS: 2101 West State Road 434, Suite 100
Longwood, Florida 32779

REC FEE $ 15.00 REC'D PAYMENT AS
DOC ST $ 5950.00 INDICATED FOR CLASS
INT TAX $ _____ "C" INTANGIBLE & DOC
PENALTY $ _____ STAMP TAXES REQUIRED
INTEREST $ _____
Clerk Circuit Court Volusia Co. Florida

This instrument was prepared by and should be returned to
MICHAEL RYAN
Lowndes, Drosdick, Doster, Kantor & Reed
Professional Association
215 North Eola Drive
Post Office Box 2809
Orlando, Florida 32802

Return to: Fidelity Title
Jim Dyer
2233 Lee Rd
Suite 101
Winter Park, Fla
32789

BOOK PAGE
3777 3249
VOLUSIA CO. FL

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 8th day of October, 1992 by MARC HAGLE as President of COUNTRYSIDE MANAGEMENT CONSULTANTS AND INVESTMENTS, INC., a Florida corporation, on behalf of the corporation. He is personally known to me ~~or produced _____ as identification~~ and did not take an oath.

Michael Ryan
NOTARY SIGNATURE

Michael Ryan
PRINTED NOTARY SIGNATURE
Notary Public, State of Florida
Commission Number: _____
My Commission Expires: _____

MICHAEL RYAN
MY COMMISSION EXPIRES

BOOK PAGE
3777 3250
VOLUSIA CO. FL

EXHIBIT "A"

THE PROPERTY

DESCRIPTION:

A PORTION OF LOT 1, BLOCK 2, COUNTRYSIDE MEDICAL COMPLEX – PHASE I, AS RECORDED IN MAP BOOK 38, PAGE 190, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING, BEING THE MOST NORTHWESTERLY CORNER OF SAID LOT 1; THENCE N 46° 02' 01" E, A DISTANCE OF 388.64 FEET; THENCE S 46° 00'29" W, A DISTANCE OF 0.46 FEET; THENCE S 88° 05' 51" E, A DISTANCE OF 26.73 FEET; THENCE S 48° 51' 43" E, A DISTANCE OF 109.58 FEET; THENCE S 00° 00' 00" E, A DISTANCE OF 221.42 FEET; THENCE N 90° 00' 00" W, A DISTANCE OF 38.53 FEET; THENCE N 33° 57' 22" W, A DISTANCE OF 44.03 FEET; THENCE N 88° 54' 36" W, A DISTANCE OF 9.63 FEET; THENCE N 01° 05' 24" E, A DISTANCE OF 24.00 FEET; THENCE N 88° 54' 36" W, A DISTANCE OF 93.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 124.50 FEET AND A CENTRAL ANGLE OF 35° 02' 46"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 76.15 FEET; THENCE S 56° 02' 38" W, A DISTANCE OF 115.28 FEET TO THE EASTERLY RIGHT-OF-WAY OF WOODBRIAR TRAIL, A 100 FOOT RIGHT-OF-WAY; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE N 33° 57' 22" W, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.41 ACRES MORE OR LESS.

TOGETHER WITH LOTS 1, 2, 3, 4, AND 5, ALL IN BLOCK 2, COUNTRYSIDE COMMERCIAL CENTER – PHASE I, AS RECORDED IN MAP BOOK 39, PAGE 102, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT A PORTION OF LOT 1, SAID BLOCK 2, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 1, THENCE S 56°01'11" W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DUNLAWTON BOULEVARD, A 200' RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE N 33°58'49" W, A DISTANCE OF 163.53 FEET TO THE SOUTHERLY LINE OF A 24 FOOT ACCESS, UTILITY AND DRAINAGE EASEMENT; THENCE N 37°18'12" E ALONG SAID EASEMENT LINE, A DISTANCE OF 26.39 FEET TO THE NORTHWESTERLY CORNER OF LOT 6, SAID BLOCK 2; THENCE DEPARTING SAID EASEMENT LINE S 33°58'49" E ALONG THE WESTERLY LINE OF SAID LOT 6, A DISTANCE OF 171.99 FEET TO THE POINT OF BEGINNING.

137465

Volusia County
FLORIDA

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: 6309-30-00-0030

LEGAL: LOT 3 & PT OF LOT 4 BEING N 349. 86 FT OF S 614.85 FT ON SW/L N OF DUNLAWTON BLVD & MEAS 361.36 FT ON W/L & 221.42 FT ON E/L HALIFAX MEDICAL CENTER PORT ORANGE MB 44 PGS 76 & 77 PER OR 3777 PG 3248

PROPERTY ADDRESS: 1041 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: Jena Lee Robinson

CITY OF PORT ORANGE

Department of Community Development
Engineering Division

02-35000016
6/3/02

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

EASEMENT VACATION APPLICATION

Property Owner: Halifax Medical Center

Address: 303 N. Clyde Morris Boulevard

Daytona, FL 32015 Phone: 386/254-4270

Applicant's Name (if other than owner): Michael Morgan

Address: 303 N. Clyde Morris Blvd., Daytona, FL 32015 Phone: 386/254-4270

Property Address/Location: 1041 Dunlawton Avenue

Subdivision Name: Halifax Medical Center

Lot Number(s): Lots 1-4 Parcel No.: 6309-30-00-0030

Legal Description of proposed easement vacation: See Attached.

Purpose for proposed easement vacation: Realignment of entrance drive. Tree removal.

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 $250.00 payable to the City of Port Orange; and
5. Completed application form (signatures required on reverse side of application form).

REVISED 1

Applicant's Signature: _____ Date: _____

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

Owner's Signature: Michael D. Morgan Date: 04/16/02

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ by _____, who is personally known to me or who ha produced _____ as identification and who did (did not take an oath.

Barry M. Barnett Notary Public, Commission No. CC831484
(Signature)

_____
(Name of Notary typed, printed or stamped)

Barry M. Barnett
MY COMMISSION # CC831484 EXPIRES
April 29, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

City of Port Orange

*** CUSTOMER RECEIPT ***

B-ID: BETTYH 6/03/02 02 15:23:24 RECEIPT #: 0172538

*CURRENT BALANCE MAY NOT INCLUDE ADJUSTMENTS MADE TO ACCOUNT

DESCRIPTION	QTY	AMOUNT	PAYMENT DESC	PT SV TR
	1	$250.00	DEVELOPMENT RELA DV	CK
			CK#:	618682

CURRENT BALANCE: $.00
EASEMENT VACATION
HALIFAX MEDICAL CENTER
TOTAL PAYMENT $.00
TOTAL CHECK $250.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTO

CHECK DATE
05/20/02

HALIFAX
303 North Clyde Morris Boulevard
Daytona Beach, Florida 32114-2700

CHECK NO.
0618682

63-6
630

Bank of America

AMOUNT OF CHECK
$*********$250.00

Two Hundred Fifty and NO/100 Dollars

HALIFAX ACCOUNTS PAYABLE DISBURSEMENT ACCOUNT

PAY TO THE ORDER OF

CITY OF PORT ORANGE

CHECK VOID AFTER 90 DAYS
TWO SIGNATURES REQUIRED FOR PAYMENT

CHIEF FINANCIAL OFFICER

CHIEF EXECUTIVE OFFICER

THIS CHECK IS MADE POSSIBLE BY THE PATIENTS WE SERVE

⑈0006186 82⑈ ⑆063000047⑆ 00 2000004614⑈