



OFFICE OF THE CITY ATTORNEY
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MEMORANDUM

To: Mayor Allen Green
Vice Mayor Mary S. Martin
Councilman Dennis Kennedy
Councilman Robert Pohlmann
Councilman George Steindorfer
City Manager Kenneth W. Parker

FROM: Margaret T. Roberts, City Attorney

SUBJECT: City Attorney Report -November, December and January 2006

DATE: February 3, 2006

The following represents a list of cases that have been pending/filed against the City of Port Orange and does not include workers compensation (Finance Department) or garnishment proceedings (Human Resources). New items received since last report are highlighted in bold.

Brantley vs. Det. John Jakovenko/Port Orange Police Department

Case No. 05-33676 COCI

Attorney: Kara Decker, Bell, Leeper & Roper, P.A.

Case dismissed for failure to state a cause of action.

Brantley vs. Officer Besuden/Port Orange Police Department

Case No. 05-33750 COCI

Attorney: Kara Decker, Bell, Leeper & Roper, P.A.

Pre-trial hearing scheduled for 2/15/06. Case will likely be dismissed for failure to state a cause of action.

Lamar Advertising vs. City of Port Orange

Case No. 2004-31518 CICI, Division 32

Attorney: Michael Roper, Bell, Leeper & Roper, P.A.

Lamar had several billboards destroyed by recent hurricanes, one of which is on I-95 just south of Dunlawton. The City did not grant building permits to Lamar to rebuild the structures as they were "non-conforming" and more than 50% destroyed according to City Code. Lamar filed suit seeking relief from the Court and damages. Lamar rebuilt all but one sign without permits. **Lamar is not actively moving the case forward in litigation, therefore, there is no additional information to present at this time.**

McGilloway, Edward J. vs. City of Port Orange, et al

Case No. 2003-30499 CICI, Judge J. David Walsh

Circuit Court, Seventh Judicial Circuit

Attorney: John L. Morrow and Crystal L. Eiffert, [Conroy, Simberg, et al.]

Insurance: Coregis

Plaintiff filed suit alleging false arrest/false imprisonment, malicious prosecution, and civil rights violations. Plaintiff was arrested for DUI and State Attorney's office later dropped the charge of DUI. Plaintiff has filed an Amended Complaint. Summary Judgment has been granted to the City and thereby dismissing the Federal Section 1983 Civil rights claim, all other claims are still pending. Mediation is scheduled for November 29, 2005 in Daytona Beach. **The case did not settle in mediation. Trial is scheduled for March 2006.**

Dennis K. O'Donnell vs. City of Port Orange, etc.

Case No. 2004-34756 COCI, Judge H. Pope Hamrick

Attorney: Michael J. Roper, Bell, Leeper & Roper, P.A.

Plaintiff has filed suit alleging an oak tree limb located on city property broke off on May 11, 2004 and damaged a fence and several cars located on his property. Plaintiff claims damages under \$15,000. The case has been referred to insurance defense council who has filed an answer on behalf of the City.

Ortiz, Maria vs. City of Port Orange

Case No. 2006-30135 CICI, Judge Richard S. Graham

Attorney: to be assigned

Plaintiff has filed suit claiming she was injured October 27, 2003, when she tripped on an uneven sidewalk located at City Center. The case has been forwarded to insurance defense counsel. The City will be filing a response to the Plaintiff by March 4, 2006.

Tiganus, Nicusor vs. Port Orange Police Department

Case No. 2005-33955 COCI, Div. 84

Attorney: Michael J. Roper, Bell, Leeper & Roper, P.A.

Plaintiff received a traffic citation and has now filed a claim against the POPD. **Case is now closed. Court dismissed claim against the Police Dept. for failure to state a cause of action.**

Wiencek, John vs. County of Volusia, City of Port Orange and FDOT

Case No. 2005-30959 CICI, Division 31

Attorney: John L. Morrow, Conroy, Simberg, et al.

Plaintiff has filed suit from an accident occurring in August, 2002, when he was on his bicycle, travelling west on Williamson Blvd on the shoulder of the right hand lane when he hit a large clump of asphalt, causing him to fall onto the roadway. Plaintiff alleges the City of Port Orange allowed a clump of asphalt to exist without posting warning signs. Plaintiff's counsel has agreed to dismiss City of Port Orange.

CIVIL PROSECUTIONS

See Attached Status Update January 18, 2006

Animal Control & Parking Violations

OTHER LITIGATION (forfeitures) - see attached Forfeiture Status Report

MTR:ls



Office of the City Attorney

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FORFEITURE STATUS REPORT

TO: Detective Tyler Parks
Port Orange Police Department

FROM: Ann-Margret Emery, Assistant City Attorney *AE*

DATE: February 2, 2006

RE: **STATUS REPORT – FEBRUARY 2006**

James E. Hamack

In Re: Forfeiture of 1996 JEEP CHEROKEE LAREDO
VIN #1J4FT68S5TL296964
Case No. 2005-30771 CICI, Div. 31 (Judge Watson)
POPD Case No. 05-002895

The non-jury trial has been rescheduled for March 2006. The City has a motion for summary judgment that we believe will successfully result in forfeiture of the vehicle without need for trial.

Richard Alan Simons II

In Re: Forfeiture of 1998 Ford Range Pickup Truck
VIN #1FTYR14X6WPA80488
POPD Case No. 2005-008320

The non-jury trial is scheduled for May 1, 2006.

Roxanne M. Kern

In Re: Forfeiture of 2004 Harley Davidson Motorcycle Red
VIN: 1HD1BMY134Y024334
Nokia Cingular Cell Phone
RH-13, Mod 6340i, ESN 060/00878780

Case No. 2005-31746 CICI, Division 31
POPD Case Nos. 2005-008043, 2005-009203 & 2005-009463

The non-jury trial is scheduled for the two-week trial docket beginning April 17, 2006.

**City of Port Orange
Animal Citation Status Report**

Last updated: January 18, 2006

Animal Control Citations

	Case No./Disposition	Status:
AXIOTIS, Michael J. Citation 14637-AN Issued 05-02-05 Violation Dog at large Fine \$68.00	Case # 2005-49567MMAES Filed w/ Clerk 09-13-05	01-11-06 CASE CLOSED. 01-11-06 At Show Cause hearing pled no contest, ordered to pay \$68.00 fine plus \$55.50 cost w/i 30 days. DUE 2-13-06 12-07-05 Failed to appear; Judge will issue a Show Cause Order. 12-05-05 Rec'd new address from Postmaster 10-28-05 LT Postmaster 10-25-05 NOA returned non- deliverable 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days
AXIOTIS, Patricia A. Citation 14639-AN Issued 05-03-05 Violation Fail to Vaccinate Fine \$40.00	Case # 2005-49402MMAES Filed w/ Clerk 09-13-05	01-18-06 Failed to appear; Judge will issue a Show Cause Order. 12-15-05 Infraction Arraign. set: 01-18-06/Warren 12-14-05 No service of notice for hrg; Court to re-notice. 12-05-05 Rec'd new address from Postmaster 10-28-05 LT Postmaster 10-25-05 NOA returned non- deliverable 10-31-05 Infraction Arraign. set: 12-14-05/Warren 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days

<p>STEELE, Laurie Sturgeon Citation 14576-AN Issued 08-15-05 Violation Animal at large Fine \$121.00</p>	<p>Case # 2005-49823MMAES Filed w/ Clerk 09-19-05</p>	<p>12-7-05 Pled no contest; adjudication withheld; ordered to pay costs of \$41.50 w/in 30 days. (DUE 1/9/06) 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-18-05 Tele Con w/ Steele re: contesting violation 10-12-05 Notice of Appearance 09-19-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>ATTALLA, Salih Sabri Citation 9274-AN Issued 04-12-05 Violation Dog at Large- Dog w/o License Fine \$121.00</p>	<p>Case # 2005-49390MMAES Filed w/ Clerk 09-13-05</p>	<p>01-17-06 Proof of pmt. submitted, waiting for clerk to update status to "paid". 12-14-05 Case Continued-working with Clerk's office to trace pmt. 12-6-05 Tele Con w/ S. Woodman-confirmed pmt 12-5-05 Tele Con w/ S. Attalla re: pmt 10-31-05 Infraction Arraign. set: 12-14-05/Warren 10-18-05 Tele Con w/ Sandy re: pd in full 10-12-05 Tele Con w/ Attalla re: payment 10-12-05 Notice of Appearance 10-10-05 Tele Con w/ Attalla re: payment 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>WATERMAN, Michael Citation 14394-AN Issued 01-26-05 Violation Animal at large Fine \$68.00</p>	<p>Case # 2005-49403MMAES Filed w/ Clerk 09-13-05</p>	<p>12-7-05 CASE CLOSED. 12-7-05 Fine/Costs paid in full. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-18-05 Tele Con w/ Waterman re: payment 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>HARBUCK, Tonya Lavonne Citation 12881-AN Issued 04-06-05 Violation Animal at large Dog w/o license F/T obtain license Fine \$121.00</p>	<p>Case # 2005-49388MMAES Filed w/ Clerk 09-13-05</p>	<p>01-06-06 CASE CLOSED. 01-06-06 Fine pd in full (41.50). 12-7-05 Pled no contest; adjudication withheld; ordered to pay costs of \$41.50 w/in 30 days. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 10-10-05 Tele Con w/ Harbuck re: payment 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>

<p>CARBONELLE, Cynthia A. Citation 14223-AN Issued 03-30-05 Violation F/T Vaccinate Cruelty to Animals F/T obtain license Fine \$346.00</p>	<p>Case # 2005-49407MMAES Filed w/ Clerk 09-13-05</p>	<p>01-13-06 Cert. of non-pmt/order arrest 01-11-06 Failed to appear at Show Cause hearing; judge to issue capias. 12-07-05 Failed to appear; Judge will issue a Show Cause Order. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>CARBONELLE, Cynthia A Citation 9273-AN Issued 01-10-05 Violation Canine bark Fine \$221.00</p>	<p>Case # 2005-49408MMAES Filed w/ Clerk 09-13-05</p>	<p>01-13-06 Cert. of non-pmt/order arrest 01-11-06 Failed to appear at Show Cause hearing; judge to issue capias. 12-07-05 Failed to appear; Judge will issue a Show Cause Order. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>ALGIERI, Stacey Louise Citation 12954-AN Issued 02-28-05 Violation Animal at large Fine \$121.00</p>	<p>Case # 2005-49400MMAES Filed w/ Clerk 09-13-05</p>	<p>01-11-06 CASE CLOSED. 01-11-06 Trial - found guilty, fine waived. 12-7-05 Pled not guilty 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 10-10-05 Tele Con w/ Algeiri re: payment 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>ALGIERI, Stacey Louise Citation 14201-AN Issued 02-17-05 Violation F/T provide, food, water, shelter Fine \$118.00</p>	<p>Case # 2005-49371MMAES Filed w/ Clerk 09-13-05</p>	<p>01-11-06 CASE CLOSED. 01-11-06 Trial - found guilty, ordered to pay \$118.00 fine and \$55.50 costs. (DUE 3/15/06) 12-07-05 Pled not guilty. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 10-10-05 Tele Con w/ Algeiri re: payment 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>

<p>SCHOENWETTER, Jon A. Citation 12888-AN Issued 04-11-05 Violation Animal at large Fine \$121.00</p>	<p>Case # 2005-49398MMAES Filed w/ Clerk 09-13-05</p>	<p>10-13-05 CASE CLOSED 10-13-05 Fine/costs pd in full (\$121.00) 10-12-05 Notice of Appearance 10-10-05 Tele Con w/ Schoenwetter re: payment 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>SCHOENWETTER, Jon A. Citation 14609-AN Issued 04-08-05 Violation Dog at large-3rd offense Dog w/o license-3rd offense Fine \$439.00</p>	<p>Case # 2005-49391MMAES Filed w/ Clerk 09-13-05</p>	<p>10-13-05 CASE CLOSED 10-13-05 Fine/costs pd in full (\$439.00) 10-12-05 Notice of Appearance 10-10-05 Tele Con w/ Schoenwetter re: payment 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>HAMN, Joshua Gilbert Citation 14416-AN Issued 02-24-05 Violation Dog at large Fine \$333.00</p>	<p>Case # 2005-49406MMAES Filed w/ Clerk 09-13-05</p>	<p>01-11-06 CASE CLOSED. 01-11-06 Show cause hearing; pled guilty, ordered to pay \$106.00 fine and \$55.50 costs w/i 30 days. (DUE 2-13-06) 12-07-05 Failed to appear; Judge will issue a Show Cause Order. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>PHILLIPS, Gregory Ralph Citation 14291-AN Issued 01-01-05 Violation Animal at large Fine \$68.00</p>	<p>Case # 2005-49405MMAES Filed w/ Clerk 09-13-05</p>	<p>12-06-05 CASE CLOSED. 12-06-05 Fine pd in full. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>BUTLER, William George Citation 14290-AN Issued 01-01-05 Violation Animal at large Fine \$68.00</p>	<p>Case # 2005-49411MMAES Filed w/ Clerk 09-13-05</p>	<p>12-06-05 CASE CLOSED. 12-06-05 Paid in full. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>

<p>DAVIS, Jennifer Diane Citation 12884-AN Issued 04-09-05 Violation Animal at large Fine \$68.00</p>	<p>Case # 2005-49377MMAES Filed w/ Clerk 09-13-05</p>	<p>01-11-06 CASE CLOSED. 01-09-06 Fine pd in full. 01-09-06 Tel conf. w/Davis re: paying fine. 12-07-05 Failed to appear; Judge will issue a Show Cause Order. 10-31-05 Infraction Arraign. set: 12-07-05/Hamrick 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>SCRIVENER, Gail E. Citation 14414-AN Issued 02-23-05 Violation Animal at large Fine \$68.00</p>	<p>Case # 2005-49404MMAES Filed w/ Clerk 09-13-05</p>	<p>12-14-05 CASE CLOSED 12-14-05 Fine/costs pd in full 10-31-05 Infraction Arraign. set: 12-14-05/Warren 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>VICOLE, Christina Citation 12887-AN Issued 04-11-05 Violation Animal at large Fine \$53.00</p>	<p>Case #2005-49375MMAES Filed w/Clerk 09-13-05</p>	<p>12-14-05 CASE CLOSED. 12-14-05 Pled no contest; ordered to pay w/in 60 days. (DUE 2-14-06) 10-31-05 Infraction Arraign. set: 12-14-05/Warren 10-12-05 Notice of Appearance 09-13-05 Non-Mandatory Appear or pay w/i 30 days</p>
<p>HAMM, JOSHUA Citation 14259-AN Issued 02-05-05 Violation Animal at Large Fine \$121.00</p>	<p>Case #2005-32039MMAES</p>	<p>1-13-06 CASE CLOSED. 1-13-06 Fine paid in full. 1-11-06 Ordered to pay fine of \$121.00 w/i 2 days.</p>

Development Agreement Tracking List
as of January 31, 2006

Airport Oaks PCD

Master Development Agreement/CDP

to City Council on 1st Reading 07/22/03
to City Council on 2nd Reading 08/19/03 (continued to 9/3/03 for re-advertising))
to Mayor and CM for execution 10/08/03 (MDA to be revised and resubmitted with new owner's name)
to Clerk's Office for recording 10/20/03

Ashton Lakes PUD

License Agreement

to City Council for approval 11/14/00
to Mayor and CM for execution 11/15/00
to Clerk's Office for recording 11/16/00

Corrective Instrument to the 4th Amendment to Cypress Head PUD

to Mayor and CM for execution 10/24/00
to Clerk's Office for recording 11/01/00

Final Plat & Plans/Subdivision Improvement Agreement, Phase 3

to City Council for approval 04/16/02
to Mayor and CM for execution 04/16/02
to Clerk's Office for recording 04/25/02 (SIA)

Final Plat & Plans/Subdivision Improvement Agreement, Phase 4

to City Council for approval 06/18/02
to Mayor and CM for execution 09/17/02 (SIA)(9/4/02 rec'd proof of ownership)
to Clerk's Office for recording 09/25/02 (SIA)

License Agreement for Phase 4 at Cypress Head

to City Council for approval 06/18/02
to Mayor and CM for execution 09/17/02 (9/4/02 rec'd proof of ownership)
to Clerk's Office for recording 09/25/02

Final Plat & Plans/Subdivision Improvement Agreement, Phase 5

to City Council for approval 12/09/03
to Mayor and CM for execution 12/09/03
to Clerk's Office for recording 01/05/04

Brickle Property Subdivision

Final Plat & Plans/Subdivision Improvement Agreement

to City Council for approval 01/20/04
to Mayor and CM for execution 01/20/04
to Clerk's Office for recording 01/22/04

Broken Bow Estates

Final Plat & Plans and Subdivision Improvement Agreement

to City Council for approval 07/23/02
to Mayor and CM for execution 07/23/02
to Clerk's Office for recording 07/31/02

CDG Taylor Road Office Complex

Master Development Agreement

to City Council on 1st Reading 05/05/01
to City Council on 2nd Reading 06/26/01 (cont'd to 07/17/01)
to Mayor and CM for execution 08/21/01 (cont'd to 8/21 with stip. it be renoticed if not prepared)
to Clerk's Office for recording 08/30/01

City Center Corporate Park PCD

Master Development Agreement

to City Council on 1st Reading 02/05/02
to City council on 2nd Reading 03/26/02
to Mayor and CM for execution 05/28/02
to Clerk's Office for recording 06/24/02

Clark Professional Center and Wedding Chapel PCD

Master Development Agreement

to Mayor and CM for execution 05/03/00
to Clerk's Office for recording 05/05/00

Final Plat & Plans/Clark Professional Center

to City Council for approval 06/20/00
to CD with CA appr'l to record 10/13/00 (Plat)

Subdivision Improvement Agreement N/A

First Amendment to MDA

to City Council for approval 06/20/00
to Mayor and CM for execution 07/19/00
to Clerk's Office for recording 08/08/00

Right of Way Vacation Ordinance - Palmetto Street for Clark Professional Center Plat

to City Council on 1st Reading 07/11/00
to City Council on 2nd Reading 08/15/00

2nd Amendment to Master Development Agreement

to City Council on 1st Reading 06/26/01
to City Council on 2nd Reading 07/17/01
to Mayor and CM for execution 07/17/01 (hold pending revision of CDP per city attorney)
to Clerk's office for recording 07/31/01

Unity of Title Agreement

to City Council for approval 07/17/01
to Mayor and CM for execution 07/17/01
to Clerk's ofc. for recording 07/31/01

Palmetto Street Right of Way Vacation (certified resolution and quit claim deed)

to City Council for approval 11/19/02
to Mayor and CM for execution 11/19/02
to Clerk's ofc. for recording 12/11/02

Easements from FP&L, BellSouth and Ingress and Egress Esmt w/ROW Vacation

to Clerk's ofc. for recording 12/11/02

Unity of Title

to Mayor and CM for execution 11/20/02
to Clerk's ofc. for recording 12/11/02

3rd Amendment to Master Development Agreement

to City Council on 1st Reading 10/15/02
to City Council on 2nd Reading 11/19/02
to Mayor and CM for execution 11/20/02
to Clerk's ofc. for recording 12/11/02

License Agreement (Katherine Street)

to City Council for approval 11/19/02
to Mayor and CM for execution 11/19/02
to Clerk's ofc. for recording 12/11/02

Club at Sugar Mill PUD

Master Development Agreement

to City Council on 1st Reading 07/16/02
to City Council on 2nd Reading 08/20/02
to Mayor and CM for execution 09/03/02
to Clerk's office for recording 09/10/02

Coquina Cove Subdivision, Phase I

Preliminary and Final Plat & Plans/Subdivision Improvement Agreement

to City Council for Approval 04/19/05 (SIA)
to Mayor and CM for execution 04/19/05 (SIA)
to Clerk's office for recording 05/10/05 (SIA)

Concurrency and Fair Share Agreement

to City Council for Approval 04/19/05 (verify amount of Fair Share Payment)
to Mayor and CM for execution 05/03/05
to Clerk's office for recording 05/10/05

Commercial Bank of Volusia County PCD

Development Agreement

to Mayor and CM for execution 10/24/00
to Clerk's Office for recording 11/01/00

Commonwealth Plaza PCD

Master Development Agreement

to City Council for approval 06/20/00
to Mayor and CM for execution 09/26/00
to Clerk's Office for recording 10/03/00

Countryside Commercial Center Replat

Subdivision Improvement Agreement/RePlat and Plans

to City Council for approval 04/22/03 (SIA)
to Mayor and CM for execution 04/23/03
to Clerk's office for recording 05/02/03

Countryside PUD

10th Amendment to MDA

to City Council on 1st Reading 03/20/01
to City Council on 2nd reading 04/17/01 (subj to 30 days extention)
to Mayor and CM for execution 05/22/01
to Clerk's Office for recording 05/23/01

11th Amendment to MDA (Countryside PUD)

to City Council on 1st Reading 07/16/02
to City Council on 2nd Reading 08/20/02
to Mayor and CM for execution 09/17/02 (9/6 rec'd executed agmt from community dev.)
to Clerk's Office for recording 09/25/02

13th Amendment to MDA (Countryside PUD)

to City Council on 1st Reading 06/22/04
to City Council on 2nd Reading 07/27/04
To Mayor and CM for execution 07/27/04
to Clerk's Office for recording 07/28/04

12th Amendment to MDA (Countryside PUD)

to City Council on 1st Reading 11/16/04
to City Council on 2nd Reading 12/14/04
To Mayor and CM for execution 12/14/04
To Clerk's Office for recording 12/29/04

14th Amend to MDA (Countryside PUD)

To City Council on 1st reading 06/07/05
to City Council on 2nd Reading 06/28/05
to Mayor and CM for execution 06/28/05
to Clerk's office for recording 06/29/05

Crane Lakes

License Agreement for North/South Connector
to City Council for approval 09/26/00
to Mayor and CM for execution 10/27/00
to Clerk's Office for recording 10/31/00

Crystal Lake PUD

Amendment 1 to Master Development Agreement
to City Council on 1st Reading 08/15/00
to City Council on 2nd Reading 09/19/00
to Mayor and CM for execution 10/13/00
to Clerk's Office for recording 11/08/00

Amendment 2 to Master Development Agreement
to City Council on 1st Reading 04/17/01
to City Council on 2nd Reading 06/19/01
to Mayor and CM for execution 06/19/01
to Clerk's Office for recording 06/21/01

Amendment 1 to SIA for Crystal Lake
to City Council for approval 01/15/02 (waiting for signed original from Jim Morris)
to Mayor and CM for execution 02/05/02
to Clerk's Office for recording 02/06/02

3rd Amendment to Master Development Agreement
to City Council on 1st Reading 04/16/02
to City Council on 2nd Reading 05/21/02
to Mayor and CM for execution 05/21/02
to Clerk's Office for recording 06/03/02

Final Plat & Subdivision Improvement Agreement - Tract 2
to City council for approval 06/18/02
to Mayor and CM for execution 06/18/02
to Clerk's Office for recording 06/25/02

Subdivision Improvement Agreement - Tract 2
to City council for approval 06/03/03
to Mayor and CM for execution 06/24/03
to Clerk's office for recording 06/25/03

4th Amendment to Master Development Agreement
to City Council on 1st Reading 04/22/03
to City Council on 2nd Reading 05/06/03
to Mayor and CM for execution 05/06/03
to Clerk's office for recording 05/16/03

5th Amendment to Master Development Agreement
to City Council on 1st Reading 09/23/03
to City Council on 2nd Reading 10/21/03
to Mayor and CM for execution 10/21/03
to Clerk's office for recording 11/06/03

Subdivision Improvement Agreement Crystal Lake Tract III
to City Council for approval 03/16/04
to Mayor and CM for execution 03/16/04
to Clerk's office for recording 03/17/04

Cypress Head Phase II-D

Preliminary and Final Plat and Subdivision Improvement Agreement
to City Council 10/16/01
to Mayor and CM for execution 10/16/01
to Clerk's ofc for recording 10/23/01 (SIA)
to CD w/ CA approval to record 06/11/02 (Plat)

Cypress Head Planned Unit Development

Administrative Order enacting 8th Amendment to MDA

to City Council on 1st reading 09/18/01
to City Council on 2nd reading 10/16/01
to Mayor and CM for execution 10/17/01
to Clerk's ofc for recording 10/23/01

9th Amendment to MDA

to City Council on 1st reading 11/13/01
to City Council on 2nd reading 12/11/01
to Mayor and CM for execution 12/11/01
to Clerk's ofc for recording 12/18/01

10th Amendment to Cypress Head PUD MDA

to City Council on 1st reading 01/15/02
to City Council on 2nd reading 02/19/02
to Mayor and CM for execution 02/20/02
to Clerk's ofc for recording 02/28/02

Daniel Center PCD (contact person: Linda Johnson)

1st Amendment to Master Development Agreement

to City Council on 1st reading 10/26/04
to City Council on 2nd reading 12/14/04 (executed agreement rec'd in December 2004)
to Mayor and CM for execution 12/29/04
to Clerk's ofc for recording 01/06/05

Dunlawton Hills PUD

6th Amendment to Development Agreement

to City Council on 1st reading 01/15/02
to City Council on 2nd reading 02/19/02
to Mayor and CM for execution 02/20/02
to Clerk's ofc for recording 02/28/02

Forest Lake Preserve

Final Plat & Plans/SIA

to City Council 08/15/00
to Clerk's office for recording 09/26/00 (SIA)
to CD w/ CA approval to record 08/21/01 (Plat) (pending completion of infrastructure/bond)

License Agreement, Forest Lakes Preserve

to City Council 06/19/01
to Mayor and CM for execution 06/20/01
to Clerk's office for recording 06/25/01

Final Plat & Plans, SIA Phase II

to City Council for approval 04/02/02
to Mayor and CM for execution 04/02/02
to Clerk's ofc. for recording 04/16/02 (SIA)

Amended and Restated Master Development and CDP

to City Council on 1st reading 09/17/02
to City Council on 2nd reading 10/01/02
to Mayor and CM for execution 10/01/02 (awaiting separate signing by mayor/cm)
to Clerk's office for recording 10/14/02

Final Plat & Plans/Subdivision Improvement Agreement - Phase III

to City Council for approval 10/01/02
to Mayor and CM for execution 10/01/02 (awaiting separate signing by mayor/cm)
to Clerk's office for recording 10/14/02

Final Plat & Plans, SIA Phase IV, Forest Lakes Preserve

to City Council for approval 11/06/02
to Mayor and CM for execution 11/06/02 (SIA)(waiting on signatures Mayor/CM 11/11)
to Clerk's ofc. for recording 11/12/02

Gateway Center PCD

First Amendment to Master Development Agmt.

to City Council on 1st Reading 01/16/01
to City Council on 2nd Reading 03/20/01
to Mayor and CM for execution 04/05/01
to Clerk's Office for recording 04/19/01

2nd Amendment to MDA entitled Amended and Restated MDA

to City Council on 1st Reading 01/29/02
to City Council on 2nd Reading 04/16/02 (cont'd to 05/21/02; 05/21/02 rec'd revised pgs 1-24)
to Mayor and CM for execution 06/18/02 recording pending written consent from Lowes
to Clerk's Office for recording 06/25/02 (consent from Lowes received 6/10/02)

First Amendment to Amended and Restated MDA

to City Council on 1st Reading 03/19/02
to City Council on 2nd Reading 04/16/02 (cont'd to 05/21/02)
to Mayor and CM for execution 06/18/02 (recording pending rec of recorded Am & Restated MDA)
to Clerk's ofc for recording 07/29/02

Second Amendment to Amended and Restated MDA Port Orange Gateway Center PCD

to city Council on 1st Reading 02/17/04
to City Council on 2nd Reading 03/16/04
to Mayor and CM for execution 03/16/04
to Clerk's ofc for recording 03/17/04

Third Amendment to Amended and Restated MDA Port Orange Gateway Center PCD

to City Council on 1st Reading 07/27/04
to City Council on 2nd Reading 08/17/04
to Mayor and CM for execution 08/17/04
to Clerk's ofc for recording 08/23/04

Hidden Oaks @ Spruce Creek

Right of Way Vacation Resolution

to City Council for approval 02/20/01 (Dalford Road)
to Clerk's Office for recording 06/04/02

Final Plat and Plans/SIA

to City Council for approval 02/20/01
to CD w/CA approval to record _____ (Plat) (pending infrastructure completion/bond)
to Mayor and CM for execution 02/28/01 (SIA)
to Clerk's Office for recording 03/06/01 (SIA)

Home Depot

Master Development Agreement

to City Council on 1st Reading 11/14/00
to City Council on 2nd Reading 12/05/00
to Mayor and CM for execution 01/17/01
to Clerk's ofc for recording 02/13/01
to Clerk's ofc for recording 04/02/01 (Scrub Jay Easement)
04/02/01 (Resolution Vacating)
04/02/01 (Quit Claim Deed)
05/14/01 (Blanket Utility Easement)

Final Plat and Plans (Home Depot)

Council approval and recording 01/29/02 (Plat)(pending infrastructure)

First Amendment to MDA (Home Depot)

to City Council on 1st Reading 03/19/02

to City Council on 2nd Reading 04/16/02

to Mayor and CM for execution 04/17/02

to Clerk's ofc for recording 04/25/02

Second Amendment to MDA (Home Depot)

to City Council on 1st Reading 04/22/03 (tabled on 03/18/03; 03/25; readvertise for 4/22)

to City Council on 2nd Reading 05/20/03

to Mayor and CM for execution 05/20/03 (waiting amended page/Jim Morris)(pg changed signature

to Clerk's ofc for recording 06/25/03 page; re-executed by Mayor and CM 6/24/03)

Kingdom Community Fellowship PCD

Master Development Agreement

to City Council on 1st Reading 10/17/00

to City Council on 2nd Reading 11/14/00

to Mayor and CM for execution 02/28/01

to Clerk's ofc for recording 03/08/01

Krol PCD 4th Amendment to Development Agreement

to City Council on 1st Reading 11/14/00

to City Council on 2nd Reading 12/05/00

to Mayor and CM for execution 01/17/01

to Clerk's ofc for recording 02/13/01

Law PCD

Master Development Agreement and CDP

to City Council on 1st Reading 10/28/03

to City Council on 2nd Reading 12/09/03 NOT APPROVED BY COUNCIL

to Mayor and CM for execution ---N/A---

to Clerk's ofc for recording ---N/A---

Loyal Order of Moose, Inc.

Notice of Release and Termination of Redevelopment Agreement

to City Council for approval 03/16/04

to Mayor and CM for execution 03/16/04

to Clerk's office for recording 03/17/04

Nautica Lakes Planned Unit Development

Master Development Agreement and CDP

to City Council on 1st Reading 12/13/05

to City Council on 2nd Reading _____

to Mayor and CM for execution _____

to Clerk's office for recording _____

Northport Business Park

to City Council on 1st Reading 02/17/04

to City Council on 2nd Reading 03/02/04 (hold pending notification of closing/ownership)

to Mayor and CM for execution N/A (Universal Map withdrew from project)

to Clerk's ofc for recording N/A

Oak Cove Villas

Final Plat and Plans/Subdivision Improvement Agreement

- to City Council for approval 08/15/00
- to Mayor and CM for execution 02/07/01
- to Clerk's ofc for recording 02/13/01 (SIA)

Oak Hammock

Use Agreement

- to City Council for approval 05/15/01
- to Mayor and CM for execution 05/15/01
- to Clerk's ofc for recording 05/22/01

Oak Heights Subdivision

Final Plat and Plans/Subdivision Improvement Agreement

- to City Council for approval 04/22/03 (pending receipt of corrected legal description)
- to Mayor and CM for execution 05/22/03
- to Clerk's ofc. for recording 05/30/03

Peacock Way

Master Development Agreement

- to City Council on 1st Reading 07/18/00
- to City Council on 2nd Reading 09/19/00
- to Mayor and CM for execution 10/31/00
- to Clerk's ofc for recording 11/13/00

Final Plat/Subdivision Improvement Agreement

- to City Council for approval 03/06/01 (SIA)
- to Mayor and CM for execution 03/08/01 (SIA)
- to Clerk's ofc for recording 03/13/01 (SIA)
- to CD w/CA approval to record _____ (Plat) (pending infrastructure completion/bond)
- notice to Clerk to record _____ (Res. vacating Peterson Ln)
- _____ (Res. vacating Old Samsula Rd)
- _____ (Quit Claim Deed)

Pheasant Run West Subdivision

Final Plat & Plans/SIA

- to City Council for approval 12/12/00
- to Mayor and CM for execution 12/13/00 (SIA)
- to Clerk's ofc for recording 12/15/00 (SIA)
- Plat resubmittal rec'd per council conditions
- to CD w/CA approval to record 03/29/01 (Plat)

Pinnacle PUD

Master Development Agreement and CDP

- to City Council on 1st reading 03/25/03
- to City Council on 2nd reading 04/22/03 (pending execution by Stanakis within 30 days)
- to Mayor and CM for execution 05/23/03
- to Clerk's ofc for recording 05/30/03

Final Plat & Plans/Subdivision Improvement Agreement Phase I

- to City Council for approval 12/09/03
- to Mayor and CM for execution 12/09/03 (hold pending proof of ownership by Viscomi)
- to Clerk's office for recording 01/15/04

Pines PCD

4th Amendment to Development Agreement

- to City Council on 1st Reading 06/26/01 (Waiting for resubmittal; tent. 8/21/01; 8/28/01)
- to City Council on 2nd Reading 08/28/01
- to Mayor and CM for execution 08/29/01
- to Clerk's ofc for recording 09/06/01

5th Amendment to Development Agreement

- to City Council on 1st Reading 05/21/02
- to City Council on 2nd Reading 06/18/02
- to Mayor and CM for execution 06/18/02
- to Clerk's office for recording 06/25/02

Port Orange Landings PUD

Master Development Agreement and CDP

- to City Council on 1st Reading 03/18/03
- to City Council on 2nd Reading 04/22/03
- to Mayor and CM for execution 04/23/03
- to Clerk's office for recording 05/05/03

Port Orange Plantation, Phase I

Final Plat & Plans/SIA

- to City Council for approval 04/20/04 (SIA)(continued to 4/27/04 cc meeting)
- to Mayor and CM for execution 04/30/04 (Pending receipt of information from com devl)
- to Clerk's office for recording 08/01/04

Development Agreement (not necessary)

- to City Council on 1st Reading 04/20/04 council accepted traffic study - no dev agmt necessary

Subdivision Improvement Agreement

- to City Council for approval 03/29/05
- to Mayor and CM for execution 03/29/05
- to Clerk's office for recording 05/10/05

Concurrency and Fair Share Agreement

- to City Council for approval 03/29/05
- to Mayor and CM for execution 03/29/05 (need to verify Fair share payment)
- to Clerk's office for recording 05/10/05

Port Orange Plantation - Phase II

Subdivision Improvement Agmt

- to City Council for approval 11/15/05
- to Mayor and CM for execution 11/15/05
- to Clerk's office for recording 11/22/05

Reed Canal Business Park

Final Plat & Plans/SIA

- to Planning Commission 10/26/00 approved with conditions. Per applicant project is on hold.

The Reserve at Port Orange

Master Development Agreement

- to City Council on 1st reading 01/27/04
- to City Council on 2nd reading 02/17/04
- to Mayor and CM for execution 02/17/04
- to Clerk's ofc for recording 02/24/04

Ritter's of Florida Subdivision

License Agreement

to City Council for approval 07/17/01
to Mayor and CM for execution 07/24/01
to Clerk's ofc for recording 12/11/01
to CD w/CA approval to record 12/10/01 (Plat)
12/11/01 (easement)

Rolling Hills Subdivision

Preliminary Plat and Plans/SIA

to City Council for approval 04/17/01
to Mayor and CM for execution 05/22/01 (SIA)
to Clerk's Office for recording 05/23/01 (SIA)

Final Plat & Plans/SIA, Rolling Hills Phase 2

to City Council for approval 04/16/02
to Mayor and CM for execution 04/17/02
to Clerk's Office for recording 04/25/02 (SIA)

Final Plat & Plans/SIA, Rolling Hills Phase 1

to City Council for approval 01/21/03
to Mayor and CM for execution 01/21/03
to Clerk's Office for recording 01/22/03 (SIA)

Royal Palm PUD

Master Development Agreement

to City Council on 1st Reading 08/15/00
to City Council on 2nd Reading 09/19/00
to Mayor and CM for execution 10/12/00
to Clerk's ofc for recording 11/06/00

Subdivision Improvement Agreement for Royal Palm

to City Council for approval 03/20/01
to Mayor and CM for execution 03/20/01 (SIA)
to Clerk's ofc for recording 03/21/01 (SIA)
to Clerk's ofc for recording 01/08/02 (Deed for R/W dedicated to North)

Final Plat/Subdivision Improvement Agreement Phase 2

to City Council for approval 07/16/02
to Mayor and CM for execution 07/23/02
to Clerk's ofc for recording 07/31/02 (SIA)

Royal Palm PUD, Phase 3

Subdivision Improvement Agreement

to City Council for approval 11/15/05
to Mayor and CM for execution 11/15/05
to Clerk's office for recording 11/22/05

Concurrency and Fair Share Agreement (Transportation)

to City Council for approval 11/15/05
to Mayor and CM for execution 11/15/05
to Clerk's office for recording 11/15/05

Scott CNB PCD

5th Amendment to Master Development Agreement

to City council for approval 04/17/01 Not approved by council

6th Amendment to Master Development Agreement
to City Council on 1st Reading 03/18/03
to City Council on 2nd Reading 04/22/03
to Mayor and CM for execution 04/23/03
to Clerk's ofc for recording 05/02/03

Silver Creek Subdivision

License Agreement

to City Council for approval 08/22/00
to Mayor and CM for execution 08/23/00
to Clerk's office for recording 08/27/00

Southwinds PUD

Administrative 12th Amendment to MDA

to City Council on 1st Reading 04/17/01
to City Council on 2nd Reading 05/15/01
to Mayor and CM for execution 05/23/01
to Clerk's ofc for recording 05/24/01

Southwinds Center PCD

Amended and Restated MDA for Southwinds Center PCD

to City Council on 1st Reading 07/22/03
to City Council on 2nd Reading 08/05/03
to Mayor and CM for execution 08/05/03
to Clerk's ofc for recording 08/06/03

Spruce Estates Subdivision

Final Plat & Plans/Subdivision Improvement Agreement

to City Council for approval 05/20/03
to Mayor and CM for execution 05/20/03
to Clerk's ofc for recording 05/30/03

Master Development Agreement - Spruce Estates Subdivision

to City Council on 1st Reading 03/02/04
to City Council on 2nd Reading 04/06/04 (revising mda for developer contribution for drainage
to Mayor and CM for execution 05/25/04 system per cc mtg 4/6/04)
to Clerk's ofc for recording 05/26/04

Assignment of Subdivision Improvement Agreement

to City Council for approval 03/16/04
to Mayor and CM for execution 03/16/04
to Clerk's ofc for recording 03/17/04

Stanaki PUD

1st Amendment to Master Development Agreement

to City Council on 1st reading 11/13/01
to City Council on 2nd reading 12/11/01
to Mayor and CM for execution 12/11/01
to Clerk's ofc for recording 12/18/01

Summer Trees South PUD

License Agreement

to City Council for approval 02/20/01
to Mayor and CM for execution 02/21/01
to Clerk's office for recording 02/23/01

Sunset Cove PUD

Master Development Plan/CDP

- to City Council on 1st reading 08/26/03
- to City Council on 2nd reading 09/23/03 (cont'd to 10/8/03; no executed original at this time)
- to Mayor and CM for execution 10/08/03
- to Clerk's office for recording 10/20/03

Subdivision Improvement Agreement/Final Plat and Plans for Sunset Cove PUD

- to City Council for approval 01/27/04
- to Mayor and CM for execution 01/27/04
- to Clerk's office for recording 01/28/04

Subdivision Improvement Agreement/Final Plat and Plans for Sunset Cove PUD, Phase II

- to City Council for approval 08/23/05
- to Mayor and CM for execution 09/14/05
- to Clerk's office for recording 09/16/05

Subdivision Improvement Agreement/Final Plat and Plans for Sunset Cove PUD, Phase III

- to City Council for approval 08/23/05
- to Mayor and CM for execution 09/14/05
- to Clerk's office for recording 09/16/05

Sweetwater Oaks Commercial Subdivision

Subdivision Improvement Agreement/Final Plat and Plans

- to City Council for approval 02/18/03 (app. subj to reso of Mosquito Control Dist. Interest in property)
- to Mayor and CM for execution 08/19/03 (County Council approved repl. Mosq. Ctrl Dist Esmt on 08/07/03)
- to Clerk's office for recording 08/28/03 (rec'd from Mayor and CM 08/27/03)

Joinder & Consent to Subdivision Improvement Agreement

- to CM for execution 01/20/04
- to Clerk's office for recording 03/24/04

Taylor-Airport Subdivision

Preliminary and Final Plat

- to City Council for approval 02/19/02

Town Park PCD

First Amendment to Development Agreement

- to City Council on 1st Reading 08/21/01
- to City Council on 2nd Reading 09/18/01
- to Mayor and CM for execution 09/18/01
- to Clerk's ofc for recording 09/19/01

Final Plat & Plans/Subdivision Improvement Agreement, Phase 3

- to City Council for approval 02/19/02
- to Mayor and CM for execution 04/16/02 (SIA) rec'd verification of ownership
- to Clerk's ofc. for recording 04/25/02 (SIA)

Unatin Subdivision, Phase IV

Final Plat & Plans/Subdivision Improvement Agreement

- to City Council for approval 03/26/02
- to Mayor and CM for execution 03/26/02
- to Clerk's ofc. for recording 04/04/02

Landscape License Agreement, Unatin Subdivision, Phase IV

- to City Council for approval 03/26/02
- to Mayor and CM for execution 03/26/02
- to Clerk's ofc. for recording 04/04/02

Vineyards Phase III

Final Plat & Plans/Subdivision Improvement Agreement

to City Council for approval 04/22/03
To Mayor and CM for execution 04/23/03
to Clerk's ofc. for recording 05/02/03

Vineyards Phase IV

Final Plat & Plans/Subdivision Improvement Agreement

to City Council for approval 04/22/03
to Mayor and CM for execution 04/23/03
to Clerk's ofc. for recording 05/02/03

Walker PCD

Master Development Agreement

to City Council for 1st Reading 09/06/00
to City Council for 2nd Reading 02/06/01 (resubmitted On 3/28/01 comments to Drema 4/9/01;
to Mayor and CM for execution 04/05/01 CD granted 15 day extension on 3/21)
to Clerk's Office for recording 04/19/01

Termination of Walker PCD MDA by Ord. No. 2002-51, which repeals Ord. No. 2000-38

to City Council for 1st Reading 10/15/02
to City Council for 2nd Reading 11/19/02

Water's Edge PUD

2nd Amendment to MDA

to City Council for 1st Reading 08/15/00
to City Council for 2nd Reading 11/08/00
to Mayor and CM for execution 02/02/01
to Clerk's office for recording 02/08/01

Subdivision Improvement Agreement, Phase VI

to City Council for approval 05/15/01
to Mayor and CM for execution 05/22/01
to Clerk's office for recording 05/23/01

Subdivision Improvement Agreement, Water's Edge, Phase VII

to City Council for approval 07/17/01
to Mayor and CM for execution 07/18/01
to Clerk's ofc for recording 08/01/01

Subdivision Improvement Agreement, Water's Edge, Phase VIII

to City Council for approval 07/17/01
to Mayor and CM for execution 07/18/01
to Clerk's ofc for recording 08/01/01

License Agreement for Phase VI

to City Council for approval 02/19/02
to Mayor and CM for execution 02/20/02
to Clerk's ofc for recording 02/28/02

3rd Amendment to Water's Edge MDA/CDP

to City Council on 1st Reading 11/07/02
to City Council on 2nd Reading 12/10/02
to Mayor and CM for execution 12/10/02
to Clerk's ofc for recording 12/30/02

Subdivision Improvement Agreement, Water's Edge Phase X

to City Council 07/22/03
to Mayor and CM for execution 07/22/03
to Clerk's ofc for recording 07/23/03

Concurrency and Fair Share Agreement, Waters Edge Phases 9A and 11

to City Council on 1st Reading _____
to City Council on 2nd Reading 08/17/04
to Mayor and CM for execution 08/17/04
to Clerk's ofc for recording 08/26/04

Subdivision Improvement Agmt Phase 9A

to City Council 08/17/04
to Mayor and CM for execution 08/17/04
to Clerk's ofc for recording 08/26/04

Subdivision Improvement Agmt Phase XI

to City Council 08/17/04
to Mayor and CM for execution 08/17/04
to Clerk's ofc. For recording 08/26/04

4th Amendment to Master Development Agreement

to City Council for 1st Reading 01/17/06
to City Council on 2nd Reading _____
to Mayor and CM for execution _____
to Clerk's ofc for recording _____

Westport PCD

2nd Amendment to Master Development Agreement

to City Council for 1st Reading 10/17/00
to City Council for 2nd Reading 11/14/00
to Mayor and CM for execution 11/15/00
to Clerk's office for recording 11/27/00

3rd Amendment to Master Development Agreement (Westport Storage)

to City Council for 1st Reading 03/20/01
to City Council for 2nd Reading 04/17/01
to Mayor and CM for execution 04/18/01
to Clerk's office for recording 04/19/01

4th Amendment to Master Development Agreement (Westport Storage)

to City Council for 1st Reading 10/28/03
to City Council for 2nd Reading 12/09/03
to Mayor and CM for execution 01/05/04
to Clerk's office for recording 01/08/04

Whispering Woods

Master Development Agreement

to City Council on 1st Reading 01/16/01
to City Council on 2nd Reading 02/20/01 (resubmitted 3/23/01; comments due 4/5/01)
to Mayor and CM for execution 04/05/01
to Clerk's ofc for recording 04/16/01

Amended and Restated Master Development Agreement for Whispering Woods

to City Council on 1st Reading 03/19/02
to City Council on 2nd Reading 04/16/02
to Mayor and CM for execution 04/17/02
to Clerk's ofc for recording 04/25/02

Woodland Center

2nd Amendment to Master Development Agreement

to City Council on 1st Reading 11/14/00
to City Council on 2nd Reading 12/12/00
to Mayor and CM for execution 12/13/00
to Clerk's ofc for recording 12/19/00

Zounis PCD

Master Development Agreement

to City Council on 1st Reading	<u>08/22/00</u>	(corrective action not completed by developer;
to City Council on 2nd Reading	<u>09/19/00</u>	developer notified of noncompliance and
to Mayor and CM for execution	<u>N/A</u>	requirement for submitting new application)
to Clerk's ofc for recording	<u>N/A</u>	