



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/23/07

**SUBJECT:** Resolution 07-6, Contract for the Sale of Parcel No. 103 to the County of Volusia for the Williamson Blvd. Widening Project

**DEPARTMENT:** Public Utilities

**RECOMMENDED MOTION:** To approve Resolution 07-6 for the Right of way Purchase Agreement between the City of Port Orange and the County of Volusia for the sale of Parcel No. 103 to Volusia County for the appraised value of \$44,000, and to authorize the Mayor and City Manager to execute the Agreement and all associated documents as required.

**SUMMARY:** This Right of Way Purchase Agreement provides for the transfer of a portion of our existing Williamson Blvd. frontage of our Reclaimed Water Tank and Pumping Station Site located at 5955 South Williamson Blvd. to Volusia County. This .155 acre parcel fragment has been recently appraised at the proposed referenced sale value.

As you know the City and County are currently in the process of working together to jointly get the Williamson Blvd. Widening Project designed, permitted, and placed out for bid. City and County staff, along with their respective engineering design consultants, are currently finalizing their designs in order to get this important project underway. In the next month or so a joint project agreement with the County of Volusia will be brought forward to you for your consideration as well.

We respectfully request your approval of this agreement. This will help to assist the County in securing the necessary additional right-of-way and allow this project to proceed forward.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution

Other  Support Documents/Contracts Available for Review in Public Utilities

**DEPARTMENT HEAD** *[Signature]* Fred W. Griffith, P.E. *[Signature]* Date 1-8-07

**FINANCE DEPARTMENT** *[Signature]* Approved as to Budget Requirements *[Signature]* Date 1-8-07

**CITY ATTORNEY** *[Signature]* Approved as to Form and Legality Date 1-10-07

**CITY MANAGER** *[Signature]* Approved Agenda Item For: 1/23/07

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

RESOLUTION NO. 07-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE CITY OF PORT ORANGE AND THE COUNTY OF VOLUSIA; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE RIGHT OF WAY PURCHASE AGREEMENT AND SUCH OTHER DOCUMENTS NECESSARY TO TRANSFER THE PROPERTY ON BEHALF OF THE CITY OF PORT ORANGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange and the County of Volusia want to enter into an Right of Way Purchase Agreement that provides for the transfer of a portion of the City's existing Williamson Boulevard frontage of the Reclaimed Water Tank and Pumping Station Site located at 5955 South Williamson Boulevard to Volusia County; and

WHEREAS, the City Council of the City of Port Orange deems it advisable and in the best interests of the City of Port Orange and its citizens to enter into said Right of Way Purchase Agreement.

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

Section 1. The Right of Way Purchase Agreement, the terms and conditions of which are incorporated herein by reference, between the City of Port Orange and the County of Volusia, a copy of which is attached hereto as Exhibit A, is hereby approved.

Section 2. The Right of Way Purchase Agreement, attached hereto as Exhibit 1, is approved and execution of the aforesaid Agreement by the Mayor and City Manager on behalf of the City of Port Orange is hereby authorized by the City Council. The Mayor and City Manager are authorized to execute such additional documents as may be necessary to effectuate the intent of this resolution and to otherwise proceed to close the transaction and acquire title to the property on behalf of the City of Port Orange.

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

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Kenneth W. Parker, City Manager

Adopted this        day of

Reviewed and Approved: \_\_\_\_\_

  
City Attorney

C:\Legal\RES\williamson blvd row purchase agmt w. vol co.wpd

COUNTY OF VOLUSIA PUBLIC WORKS DEPARTMENT  
RIGHT OF WAY PURCHASE AGREEMENT



PROJECT NO.: 4740-1  
PROJECT NAME: S. Williamson Blvd.  
PARCEL NO.: 103

STATE OF FLORIDA  
COUNTY OF VOLUSIA

THIS AGREEMENT made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_ by and between, CITY of PORT ORANGE, a municipal corporation, hereinafter referred to as SELLER and the COUNTY OF VOLUSIA, hereinafter referred to as PURCHASER.

WITNESSETH

WHEREAS, the Purchaser requires the lands described as Parcel No. 103, for right of way for construction and maintenance of the above reference authorized project and said Seller agrees to furnish same for such purpose. The legal description for Parcel No. 103 is attached hereto as Exhibit "A."

NOW THEREFORE, in consideration of the premises and the sum of \$10.00 each to the other paid, it is agreed as follows: (a) The Seller agrees to sell and convey by good and sufficient deed, free of liens and encumbrances, unto the Purchaser of said land for the total sum of \$44,000.00\*. (b) Purchaser shall, subject to County Council and/or the County Manager's approval, pay unto the Seller the sum of \$44,000.00 within sixty (60) days from the date hereof upon the simultaneous delivery of such instrument of conveyance and shall pay the remaining sum of \$ -0- when the Seller vacates and surrenders possession of the property to the Purchaser and upon the completion of the removal and clearance of all improvements not included in the purchase price from the right of way so conveyed. (c) All current taxes for the year in which this Agreement is made shall be prorated, and the Seller agrees to pay his and/or her prorated share of said taxes as of the date of closing, and the County of Volusia will pay all recording fees including the deed given in pursuance of this agreement. (d) County pays for title insurance.

Permission is hereby granted by the Seller to have the Purchaser prepare the check in the amount of \$44,000.00 to Volusia Title Services, Inc., acting as Escrowee in dispersing the proceeds, which are to be fully accounted for in the Closing Statement.

The Seller agrees to remove any personal property within 30 days from the date of the deed. Any extension beyond this date for occupancy of the property must be requested of, and authorized by, the Purchaser in writing. During the period from the date of the contract

until the Seller surrenders possession to the Purchaser, the Seller shall exercise diligent care in protecting the property from theft and vandalism. Any items included in the purchase price shall be preserved in the normal condition and turned over to the Purchaser, intact.

~~\*This amount shall include all fees, but not limited to attorney's fees, engineering fees, etc., and costs pertaining to this sale, not specifically paid for by the Purchase as set forth above.~~

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their respective names, on the date first above written.

**SELLER:  
CITY OF PORT ORANGE, FLORIDA**

**PURCHASER:  
COUNTY OF VOLUSIA  
PUBLIC WORKS DEPARTMENT**

BY: \_\_\_\_\_  
Allen Green, Mayor

BY: \_\_\_\_\_  
*Signature*

ATTEST: \_\_\_\_\_  
Kenneth W. Parker, City Manager

\_\_\_\_\_  
Name and Title (Please Print)

Date: \_\_\_\_\_, 2007

Date: \_\_\_\_\_, 2007

**COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA**

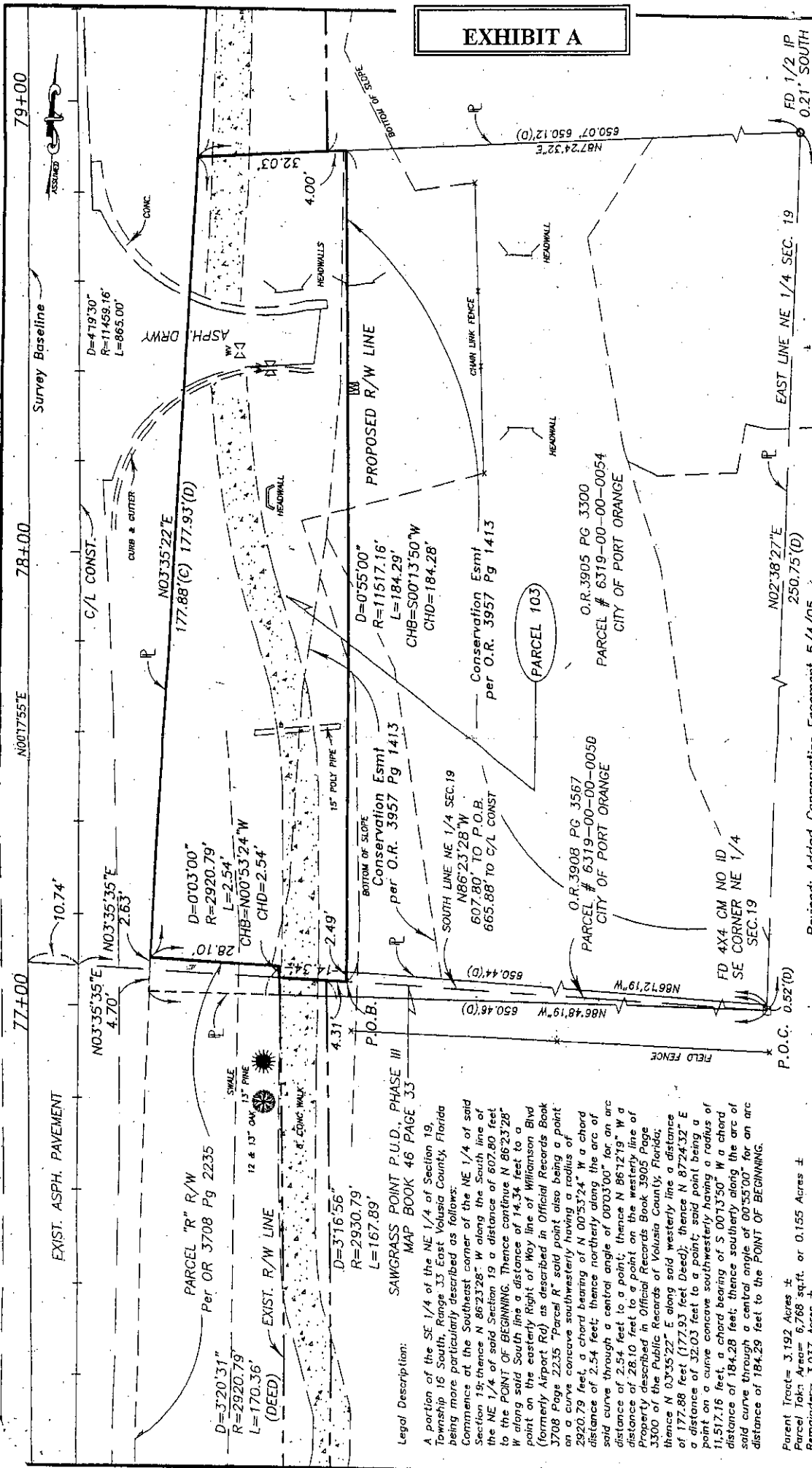
BY: \_\_\_\_\_  
FRANK T. BRUNO, JR.  
County Chair

DATE: \_\_\_\_\_, 2007

ATTEST: \_\_\_\_\_  
JAMES T. DINNEEN  
County Manager

(County Seal)

**EXHIBIT A**



**Parcel 103**  
 WILLIAMSON BLVD  
 SPRUCE CREEK TO TAYLOR ROAD

TYPE OF SURVEY: PARCEL SKETCH  
 Proj. No.: 4740-1  
 Draw No.: 0000  
 Sh. No.: 1 of 1

NAME	DATE	PROT. DATE
OWNER		
APPLICANT		
CHECKED		
DATE		

SCALE: 1"=20'  
 SURVEYED BY: J. J. JONES, P.L.S., P.T.S.  
 NOT VALID WITHOUT THE ORIGINAL BLENDED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**COUNTY OF VOLUSIA**  
 PUBLIC WORKS SERVICE CENTER  
 ENGINEERING SERVICE GROUP/SURVEY SECTION  
 122 W. INDIANA AVE. DELAND, FL 32720  
 TELEPHONE 386-798-6947 FAX 386-422-9738

Revised: Added Conservation Easement 5/4/05

LEGEND & ABBREVIATIONS:  
 STI = STATION MARK  
 CON. = CONCRETE  
 F.P. = PROPERTY LINE  
 P.O.B. = POINT OF BEGINNING  
 T = TANGENT  
 C.A. = CURVE ANGLE  
 R = RADIUS  
 L = LENGTH OF CHORD  
 C = CHORD  
 P.O.C. = POINT OF CURVATURE  
 P.T. = POINT OF TANGENCY  
 S.W. = SWALE  
 W.P. = WOOD PILE  
 C.A. = CONCRETE ANGLE  
 C.C. = CONCRETE CURVE  
 C.S. = CONCRETE SURFACE  
 P.A. = PORTLAND ASPHALT  
 P.F. = FIELD FENCE  
 P.L. = POLY LINE  
 P.S. = PORTLAND ASPHALT SURFACE  
 P.T. = POINT OF TANGENCY  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF CURVATURE  
 P.T. = POINT OF TANGENCY

Parent Tract = 3.192 Acres ±  
 Parcel Total Area = 6,768 sqft. or 0.155 Acres ±  
 Remainder = 3,037 Acres ±

**Legal Description:**  
 SAWGRASS POINT P.U.D., PHASE III  
 MAP BOOK 46 PAGE 33

A portion of the SE 1/4 of the NE 1/4 of Section 19, Township 16 South, Range 35, East Volusia County, Florida being more particularly described as follows:  
 Commence at the Southeast corner of the NE 1/4 of said Section 19; thence N 86°23'28" W along the South line of the NE 1/4 of said Section 19 a distance of 607.80 feet to the POINT OF BEGINNING. Thence continue N 86°23'28" W along said South line a distance of 14.34 feet to a point on the eastern Right of Way line of Williamson Blvd (formerly Airport Rd) as described in Official Records Book 3708 Page 2235 "Parcel R" said point also being a point on a curve concave southwesterly having a radius of 2920.79 feet, a chord bearing of N 00°35'22" E for a chord distance of 2.54 feet; thence northerly along the arc of said curve through a central angle of 00°35'00" for an arc distance of 2.54 feet to a point; thence N 86°12'19" W a distance of 28.10 feet to a point on the westerly line of Property described in Official Records Book 3905 Page 3300 of the Public Records of Volusia County, Florida; thence N 03°35'22" E along said westerly line a distance of 172.88 feet (177.93 feet Dead); thence N 87°24'32" E a distance of 32.03 feet to a point; said point being a point on a curve concave southwesterly having a radius of 11,517.16 feet, a chord bearing of S 00°17'50" W for a chord distance of 184.28 feet; thence southerly along the arc of said curve through a central angle of 00°55'00" for an arc distance of 184.28 feet to the POINT OF BEGINNING.



RECEIVED

DEC 15 2006

CITY OF PORT ORANGE  
PUBLIC UTILITIES

**Public Works Department  
Engineering Division**

**Al Nygren, SR/WA  
(386) 736-5967  
ext.: 2272**

December 14, 2006

Ms. Kay Kincaid  
Right of Way Agent  
City of Port Orange  
1000 City Center Circle  
Port Orange, FL 32129

RE: S. Williamson Boulevard  
Project No.: 4740-1  
Parcel No.: 103

Dear Ms. Kincaid:

Enclosed is the County's Right of Way Purchase Agreement in the amount of \$44,000.00 for the purchase of parcel 103. The amount of the purchase agreement is based on the value finding of the appraisal completed on behalf of the City by Southern Appraisal Corporation.

Please review the purchase agreement and if you are in agreement, present it to the City Council for consideration and approval. Please let me know when this item will be put on the Council Agenda.

Thank you for your attention to this matter, should you have any questions or require additional information please contact me.

Sincerely,

Al Nygren, SR/WA  
Right of Way Specialist

C: Joette Enfinger, Right of Way Manager

J:\ROWAN'S Williamson Blvd - 4740-1\P-103 - CITY OF PORT ORANGE\Purch Agmt Transmittal 12-14-06.doc