



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/22/07

SUBJECT: Resolution 07-46 - Utility Agreement associated with Brown's Landing authorizing City Cost Participation for Installation of Utilities

DEPARTMENT: Public Utilities

RECOMMENDED MOTION: To approve the resolution, rescinding Resolution 06-81 pertaining to the Brown's Landing South Utility Agreement between Spruce Creek Investments, Incorporated and the City of Port Orange, which previously authorized City Cost Participation for construction of a utility mains as part of Brown's Landing, and to authorize the Mayor and City Manager to execute the resolution.

SUMMARY: On August 15, 2006, council authorized the city to cost participate with Spruce Creek Investments for the installation of a section of 12" water main and a 6" force main as part of the Brown's Landing subdivision. The mains would traverse through the proposed development in lieu of installing the mains in the county-controlled ROW of Taylor Road. The utility work was to be performed by the city contractor, who was already under contract to install other segments of water main as part of the Southwest Utility Reinforcements, more commonly referred to as the E-Loop.

Regretfully, the Brown's Landing project was delayed indefinitely. Consequently, Spruce Creek Investments failed to execute the Council-approved contract. Therefore, in order to complete the water main loop, the city reverted to its original plan, installing the main along the Taylor Road ROW.

Because neither the resolution nor contract specified a time by which the agreement must be executed, a second resolution must be brought forward to formally rescind the City's original offer. However, it should be noted that at such time as Brown's Landing develops, the City may entertain a cost participation agreement to upsize the water main through the project.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Public Utilities Office

DEPARTMENT HEAD *Roggs* Roger M. Smith Date 5/2/07

FINANCE DEPARTMENT N/A Approved as to Budget Requirements Date N/A

CITY ATTORNEY *John R. Holt* Approved as to Form and Legality Date 5.11.07

CITY MANAGER *Full* Approved Agenda Item For: 5/22/07

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

RESOLUTION NO. 07-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 06-81 RELATING TO THE BROWN'S LANDING SOUTH UTILITY AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 06-81 approved the Brown's Landing South Utility Agreement between Spruce Creek Investments, Incorporated and the City of Port Orange; and

WHEREAS, the Brown's Landing project was delayed indefinitely and Spruce Creek Investments did not execute the Council approved contract.

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

Section 1. The City Council of the City of Port Orange hereby repeals Resolution No. 06-81 in its entirety.

Section 2. This resolution shall become effective immediately upon adoption.

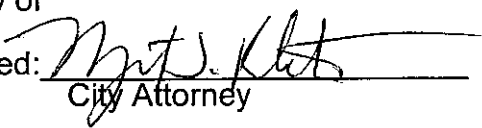
MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the day of

Reviewed and Approved: _____


City Attorney

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