



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE: 10/16/2007

SUBJECT: FIRST AMENDMENT TO THE TRANSPORTATION CONCURRENCY IMPROVEMENTS MASTER FORM EXHIBITS.

DEPARTMENT: COMMUNITY DEVELOPMENT


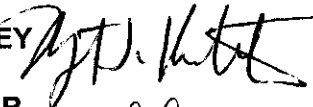

RECOMMENDED MOTION: To **approve** the First Amendment to the Transportation Concurrency Improvements Master Form Exhibits. Approve Resolution No. 07-100

SUMMARY:

This amendment revises the original Transportation Concurrency Improvements Master Form Exhibits to include the Devon St/Taylor Rd. signal and allows the City to enter into Concurrency and Fair Share Agreements with property owners and developers seeking to comply with the City's concurrency requirements for roads/traffic circulation under Chapter 4 of the City's Land Development Code.

ATTACHMENTS: Ordinance Resolution Budget Resolution

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

DEPARTMENT HEAD		Wayne Clark Community Development Director	Date <i>10/9/07</i>
FINANCE DEPARTMENT		Approved as to Budget Requirements	Date
CITY ATTORNEY		Approved as to Form and Legality	Date <i>10.9.07</i>
CITY MANAGER		Approved Agenda Item For:	<i>10.16.07</i>

COUNCIL ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain Approved with Modification

RESOLUTION NO. 07- 100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO TRANSPORTATION CONCURENCY IMPROVEMENTS MASTER FORM EXHIBITS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange filed Transportation Concurrency Improvements Master Form Exhibits on November 29, 2005 recorded in Official Records Book 5709, Pages 4726 through 4746, Public Records of Volusia County, Florida; said Exhibits describing the transportation improvements and reserving an interest in the real property described in the Agreements; and

WHEREAS, the City continues to enter into Concurrency and Fair Share Agreements with property owners and developers seeking to comply with the City's concurrency requirements for roads/traffic circulation under Chapter 4 of the City's Land Development Code; and

WHEREAS, the City desires to record the First Amendment to Transportation Concurrency Improvements Master Form Exhibits, attached hereto as Exhibit A.

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

Section 1. The City of Port Orange hereby approves the First Amendment to Transportation Concurrency Improvements Master Form Exhibits, attached hereto as Exhibit A.

Section 2. The City Manager is hereby authorized to execute the attached agreement.

Section 3. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict.

Section 4. 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

Document Prepared by:
Linda D Johnson CP
Certified Paralegal for City Attorney
City of Port Orange, Florida
Return Recorded Document to:
Attention: Records Clerk
1000 City Center Circle
Port Orange FL 32129-4144

EXHIBIT A

First Amendment to

Transportation Concurrency Improvements Master Form Exhibits

The **CITY OF PORT ORANGE, FLORIDA**, a Chartered Florida Municipality located in Volusia County, Florida, mailing address: Attention: City Manager, 1000 City Center Circle, Port Orange, Florida 32129 (the "City"), pursuant to Section 695.02, Florida Statutes, submits for recording in the public records of Volusia County, Florida the attached documents; and in support thereof states as follows:

WHEREAS, on November 29, 2005 the City filed "Transportation Concurrency Improvements Master Form Exhibits" recorded in Official Records Book 5709, Pages 4726 through 4746, Public Records of Volusia County, Florida; said Exhibits describing the transportation improvements and reserving an interest in the real property described in the Agreements; and

WHEREAS, the City continues to enter into Concurrency and Fair Share Agreements ("Agreements") with property owners and developers seeking to comply with the City's concurrency requirements for roads/traffic circulation under Chapter 4 of the City's Land Development Code ("Traffic Concurrency"); and,

WHEREAS, in accordance with Paragraph 2 of the Transportation Concurrency Improvements Master Form Exhibits ("Master Form Exhibits") the City hereby deletes Exhibits E and F, reserving those designations for future use, and supplements the Master Form Exhibits with Exhibit "G," to serve to graphically depict and otherwise describe the impacted intersection/road segments of Devon Street at Taylor Road, pursuant to the City of Port Orange Comprehensive Plan for Transportation Concurrency.

NOW THEREFORE, the City hereby records this First Amendment to Transportation Concurrency Improvements Master Form Exhibits in the public records to provide the record data for all Agreements.

A. The Schedule of Master Form Exhibits as listed in Paragraph 1 of the Transportation Concurrency Improvements Master Form Exhibits is restated below, and the new Exhibit "G" is attached hereto. Any future reference to the official records book and page for the Master Form Exhibits, as listed hereinafter and as amended hereby or any portion thereof shall serve to incorporate by reference; and, for all purposes, shall be equivalent to setting forth in extenso in such instrument that which is incorporated by reference.

Schedule of Master Form Exhibits

Master Exhibit A.	Dunlawton/Taylor at I-95	PRVCF OR Bk 5709 Pg 4728
Master Exhibit B.	Dunlawton/Clyde Morris	PRVCF OR Bk 5709 Pg 4732
Master Exhibit C.	Town West/Williamson	PRVCF OR Bk 5709 Pg 4735
Master Exhibit D.	Summertrees Road	PRVCF OR Bk 5709 Pg 4736
Master Exhibit E.	Reserved for Future Use	(Previously Taylor/Williamson)
Master Exhibit F.	Reserved for Future Use	(Previously Airport Rd/Pioneer Trail)
Master Exhibit G.	Devon/Taylor	Attached here for recording.

B. The City reserves the right to amend, supplement, or delete specific transportation improvements from the Master Form Exhibits and this First Amendment thereto, from time to time as deemed necessary and appropriate.

IN WITNESS WHEREOF, the City has caused this First Amendment to Transportation Concurrency Improvements Master Form Exhibits to be issued this _____ day of _____, 2007.

WITNESSES:

CITY OF PORT ORANGE
a Florida municipal corporation

Printed Name:

By: _____
Kenneth W. Parker, City Manager

Printed Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of October, 2007, by Kenneth W. Parker, City Manager of the City of Port Orange, a Florida municipality, on behalf of the city. He is personally known to me.

Notary Public, State of Florida at Large

Master Exhibit G

Mast Arm Signal
Devon Street/Taylor Road Intersection

Improvements for public safety at the crossing of Devon Street and Taylor Road in the City of Port Orange, Volusia County, Florida. The improvements are described as follows:

Include a mast arm activated signal to facilitate protected through and left-turn movements at a location that is receiving MPO XU Traffic Operations funding assistance.