



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: 12/04/07

**SUBJECT:** RESOLUTION NO. 07-105: NOTICE OF INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS IN THE PORT ORANGE BUSINESS PARK

**DEPARTMENT:** CITY MANAGER

**RECOMMENDED MOTION:**  
To adopt Resolution No. 07-105, expressing the City's intent to use the uniform method of collecting non-ad valorem special assessments for capital improvements in the Port Orange Business Park.

**SUMMARY:**  
A special assessment district to fund capital improvements and related costs for the Port Orange Business Park, located on Williamson Boulevard, has been created by the City Council. The attached Resolution provides notice to the Volusia County Property Appraiser and preserves the City's right to use the uniform method for collecting the non-ad valorem special assessment revenues in 2008 and thereafter for Port Orange Business Park improvements.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution

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

<b>DEPARTMENT HEAD</b>	Signed <i>[Signature]</i>	Date 10/16/07
<b>FINANCE DEPARTMENT</b>	<i>[Signature]</i> Approved as to Budget Requirements	Date 10/17/07
<b>CITY ATTORNEY</b>	<i>[Signature]</i> Approved as to Form and Legality	Date 11.21.07
<b>CITY MANAGER</b>	<i>[Signature]</i> Approved Agenda Item For:	12/4/07

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

RESOLUTION NO. 07-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, EXPRESSING ITS INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS IN THE PORT ORANGE BUSINESS PARK; STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS IN THE PORT ORANGE BUSINESS PARK DEVELOPMENT; PROVIDING FOR THE DESCRIPTION OF PROPERTY SUBJECT TO THE LEVY; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange, Florida (the "City") intends to adopt an ordinance imposing a special assessment for capital improvements in the Port Orange Business Park Development, hereinafter "Industrial Park"; and

WHEREAS, the City intends to use the uniform method for collecting the non-ad valorem special assessment for capital improvements in the Industrial Park serving the property within the Industrial Park as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessment to be collected annually commencing in November 2008, in the same manner as provided for ad valorem taxes; and

WHEREAS, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being 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. Commencing with the Fiscal Year beginning on October 1, 2008, and with the tax statement mailed for such Fiscal Year, the City intends to use the uniform method of collecting non-ad valorem special assessment for capital improvements in the Industrial Park authorized in section 197.3632, Florida Statutes, as amended. Such non-ad valorem special assessment for capital improvements in the Industrial Park shall be levied within the Industrial Park property. The public right-of-ways within the City shall be exempt from the non-ad valorem special assessment. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

Section 2. The City hereby determines that the levy of the non-ad valorem special assessment is needed to fund the cost of capital improvements within the Industrial Park.

Section 3. Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Volusia County Department of Finance and Administrative Services, and the Volusia County Property Appraiser by January 10, 2008.

Section 4. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or

(Res. No. 07-105)

application, and to this end the provisions of this resolution are declared severable.

Section 6. This Resolution shall become effective immediately upon adoption.

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

ATTEST:

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

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Reviewed and Approved:

  
\_\_\_\_\_  
City Attorney

EXHIBIT A

**LEGAL ADVERTISEMENT**

**PUBLIC HEARING NOTICE**  
The City Council of the City of Port Orange, Florida shall consider for adoption Resolution No. 07-105, as follows:

**RESOLUTION NO. 07-105**  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, EXPRESSING ITS INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS IN THE PORT ORANGE BUSINESS PARK, STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS IN THE PORT ORANGE BUSINESS PARK DEVELOPMENT, PROVIDING FOR THE DESCRIPTION OF PROPERTY SUBJECT TO THE LEVY, PROVIDING FOR DIRECTION TO THE CITY CLERK PROVIDING FOR CONFLICTING RESOLUTIONS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Port Orange, Florida, shall hold a meeting to consider the enactment of said proposed Resolution at 7:30 P.M. or as soon thereafter as may be heard, on Tuesday, December 4, 2007, at the Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida.

A copy of the proposed Resolution is available in the City Clerk's Office, City Hall, Port Orange, Florida, and may be inspected by the public.

All interested parties may appear at said meeting and be heard with respect to the proposed Resolution.  
Shirley M. Kelly, CMC  
Deputy City Clerk

Legal L64888, Nov. 7, 14, 21, 28, 2007  
41.

EXHIBIT B

DESCRIPTION

A PORTION OF SECTION 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, AND SECTION 16, TOWNSHIP 16 SOUTH, RANGE 33 EAST, YCLUSIA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 16, THENCE S89°57'22"E ALONG THE SOUTH LINE THEREOF, 888.76 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHWEST, HAVING A RADIUS OF 2985.00 FEET, A CENTRAL ANGLE OF 15°03'12" AND A CHORD BEARING OF N47°17'27"W; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, 779.00 FEET; THENCE N54°49'03"W ALONG SAID RIGHT OF WAY LINE, 2490.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE N54°49'03"W, 1456.58 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE N43°22'42"E, 28.36 FEET; THENCE N18°55'53"E, 82.29 FEET; THENCE N32°38'36"E, 60.07 FEET; THENCE N75°22'33"E, 35.93 FEET; THENCE N10°23'19"W, 8.92 FEET; THENCE N06°23'53"E, 92.49 FEET; THENCE N55°23'33"W, 282.36 FEET; THENCE S34°36'27"W, 342.08 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD; THENCE N54°49'03"W ALONG SAID EASTERLY RIGHT OF WAY LINE, 260.76 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 1608.86 FEET AND A CENTRAL ANGLE OF 21°57'09"; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, 693.44 FEET; THENCE DEPART SAID EASTERLY RIGHT OF WAY LINE N58°17'54"E, 237.38 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWEST HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 23°41'27"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, 208.74 FEET; THENCE N34°36'27"E, 501.09 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 39°31'16" AND A CHORD BEARING OF N75°09'12"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, 37.94 FEET; THENCE N34°38'27"E, 525.43 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 95; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE S58°21'42"E, 1923.82 FEET; THENCE DEPART SAID RIGHT OF WAY LINE S35°03'45"W, 1040.03 FEET; THENCE S55°21'41"E, 360.00 FEET; THENCE S29°43'29"E, 108.70 FEET; THENCE S09°27'21"W, 555.01 FEET TO THE POINT OF BEGINNING.  
CONTAINING 73.246 ACRES, MORE OR LESS.

This Instrument Prepared by and Return to:

Name: Jerome D. Mitchell, Esquire  
RIGGIO & MITCHELL, P.A.  
Address: 400 South Palmetto Avenue  
Daytona Beach, FL 32114

Property Appraisers Parcel I.D. No.: 6318 0000 0014

10/17/2008 09:15 AM  
Doc stamps 20509.30  
(Transfer Amt \$ 2929840)  
Instrument# 2006-259942 # 1  
Book : 5934  
Page : 2532

①

Warranty Deed

(Wherever used herein the terms "first party" and "second party" shall include singular and plural heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

This Indenture, made this 2<sup>ND</sup> day of OCTOBER day of September, A.D., 2006, between D.S.C. of Newark Enterprises, Inc., a Delaware corporation, of the State of New Jersey, whose address is 70 Blanchard Street, Newark, NJ 07105, party of the first part, the City of Port Orange, a Florida municipal corporation, whose address is 1000 City Center Circle, Port Orange, FL 32129, party of the second part.

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) U.S. Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, their heirs and assigns forever, the following described land, situate, and being in the County of Volusia, State of Florida, to-wit:

See Exhibit "A", attached hereto.

Subject to taxes for 2006 and subsequent years.

The subject property is not the homestead of Grantor, as defined by Florida law.

Subject to easements, restrictions and reservations of record, if any, the mention of which shall not serve to reimpose same.

And Grantee, its successors, heirs, and/or assigns, are prohibited and restricted, for a period of twenty-five (25) years, from using any of the subject property for commercial, professional office, or any use other than for industrial development. Notwithstanding, an industrial user on the subject property will be allowed to have its related office located on the industrial site, provided that said office use is accessory to the related industrial use.

The Grantor hereby covenants that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to convey said land; that the Grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, including fee simple title to mineral rights, including the sole and exclusive right to excavate, subject to the royalty interest reserved in Mineral Deed at O.R. Book 2605, Page 1907, Public Records of Volusia County, Florida.

In Witness Whereof, the said party of the first part have hereunto set his hand and seal the day and year first above written.

WITNESSES:

[Signature]  
Witness Signature (as to Grantor)

Lucy M Brown  
Printed Name

[Signature]  
Witness Signature (as to Grantor)

ALFA LAND  
Printed Name

GRANTOR: D.S.C. of Newark Enterprises, Inc.

By: [Signature]

Printed Name: JAMES G. CORACI

Its: VICE - PRESIDENT

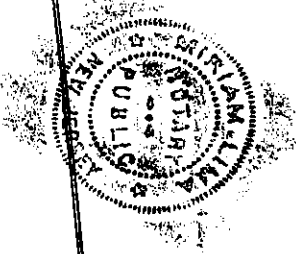
STATE OF NEW JERSEY )  
COUNTY OF ESSEX )

I hereby certify that on this day, before me, personally appeared an Agent of D.S.C. of Newark

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Enterprises, Inc., known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that the/she executed same, that I relied upon the following form of identification of the above-named person: N/A and that an oath (was)(was not) taken.

NOTARY RUBBER STAMP SEAL



Witness my hand and official seal in the County and State last aforesaid this 2nd day of September, 2006. October

*Miriam Lima*  
Notary Signature

Miriam Lima  
Printed Notary Signature

MIRIAM LIMA  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES AUG. 10, 2011

Be:



# Best Available Image

Instrument# 2006-259942 # 3  
 Book : 5934  
 Page : 2534  
 Diane N. Matousek  
 Volusia County, Clerk of Court

## DESCRIPTION

A PORTION OF SECTION 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, AND SECTION 18, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 18; THENCE S89°57'22"E ALONG THE SOUTH LINE THEREOF, 886.76 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHWEST, HAVING A RADIUS OF 2965.00 FEET, A CENTRAL ANGLE OF 150°31'2" AND A CHORD BEARING OF N47°17'27"W; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, 779.00 FEET; THENCE N54°49'03"W ALONG SAID RIGHT OF WAY LINE, 2490.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE N54°49'03"W, 1456.58 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE N43°22'42"E, 28.36 FEET; THENCE N43°09'43"E, 63.86 FEET; THENCE N18°55'53"E, 82.29 FEET; THENCE N32°38'36"E, 60.07 FEET; THENCE N75°22'33"E, 35.93 FEET; THENCE N10°23'19"W, 8.92 FEET; THENCE N06°23'53"E, 92.49 FEET; THENCE N55°23'33"W, 282.36 FEET; THENCE S34°36'27"W, 342.08 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD; THENCE N54°48'03"W ALONG SAID EASTERLY RIGHT OF WAY LINE, 250.76 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 1809.86 FEET AND A CENTRAL ANGLE OF 21°57'09"; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, 693.44 FEET; THENCE DEPART SAID EASTERLY RIGHT OF WAY LINE N58°17'54"E, 237.39 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWEST HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 23°41'27"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, 208.74 FEET; THENCE N34°36'27"E, 501.09 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 39°31'16" AND A CHORD BEARING OF N75°09'12"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, 37.94 FEET; THENCE N34°36'27"E, 525.43 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 95; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE S55°21'42"E, 1923.82 FEET; THENCE DEPART SAID RIGHT OF WAY LINE S35°03'45"W, 1040.03 FEET; THENCE S85°21'41"E, 360.00 FEET; THENCE S29°43'29"E, 108.70 FEET; THENCE S09°27'21"W, 555.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 73.246 ACRES, MORE OR LESS.

Exhibit "A" *Jc*