



## CITY OF PORT ORANGE

---

1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA 32129  
TELEPHONE 386-506-5500  
FAX 386-756-5290  
[www.Port-Orange.org](http://www.Port-Orange.org)

March 11, 2008

Board of Directors  
Town Center Redevelopment Agency  
1000 City Center Circle  
Port Orange, FL 32129

Dear Board Members:

There will be a meeting of the Town Center Redevelopment Agency on Tuesday, March 18, 2008, in the Council Chambers at Port Orange City Hall, 1000 City Center Circle. This Town Center Redevelopment Agency Meeting will be held within the Regular City Council Meeting at approximately 7:05 p.m. or as soon thereafter as reasonably practicable.

The purpose of the meeting is to approve minutes and approve Addendum No. 2 to the Assignment of Contract for purchase and sale of real property at 3840 Halifax Drive.

Sincerely yours,

A handwritten signature in black ink that reads "Allen Green smk". The signature is written in a cursive style.

Allen Green  
Chairman

AG:smk

TOWN CENTER COMMUNITY REDEVELOPMENT AGENCY

COUNCIL CHAMBERS - APPROXIMATELY 7:05 P.M.

MARCH 18, 2008

AGENDA

OPENING

1. Pledge of Allegiance
2. Invocation
3. Roll Call

DISCUSSION/ACTION

4. Approval of Minutes  
February 19, 2008
5. Addendum No. 2 to Assignment of Contract - Former Bryant-Singletary Parcel

ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDINGS, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE DEPUTY CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

TOWN CENTER CRA MEETING  
CITY OF PORT ORANGE  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
FEBRUARY 19, 2008

THE REGULAR MEETING OF THE TOWN CENTER REDEVELOPMENT AGENCY  
was called to order by Chairman Allen Green at 7:02 P.M.

Pledge of Allegiance

Invocation – Silent

ROLL CALL:

Present: George Steindorfer  
Bob Pohlmann  
Dennis Kennedy  
Ben Talluto  
Thomas Jordan  
Chairman Allen Green

Absent: Vice Chairman Mary Martin  
(excused)

Also Present: Shannon Lewis, Assistant City  
Manager Margaret  
Roberts, City Attorney  
Donna Steinebach, Assistant to the  
City Manager  
Shirley Kelly, Deputy City Clerk

DISCUSSION/ACTION

4. Approval of Minutes – January 8, 2008

Motion made by Member Steindorfer,  
seconded by Member Pohlmann, to  
approve the minutes of the January 8, 2008  
meeting. Motion carried 6 – 0 by voice vote.

5. Approve Additional Services Agreement with Glatting Jackson Kercher Anglin,  
Inc. for Causeway Park Design Concept

Donna Steinebach, Assistant to the City Manager, said this presentation is an opportunity for the CRA to extend upon its existing contract the CRA has to expand upon the existing contract the CRA has with the design firm of Glatting Jackson Kercher Anglin, Inc., to develop two concept plans for the Causeway District. What is proposed is for them to look not only at the public lands but also the interrelationship of those public lands to the private lands and to develop two design scenarios, neither of which would include a high-rise. These would include low and mid-rise development scenarios. The proposal is directed toward public and private lands because of the importance of the relationship between the two and the functionality of Causeway Park.

The design services would be an addendum to the existing contract and would produce concept plans, not design drawings that would be translated into actual construction drawings. The plans would primarily be for the purpose of allowing the CRA to better visualize various concepts for redevelopment and select those, which are most appropriate. The firm has indicated the ability to prioritize the Causeway work. The work product from this scope of services will probably be seen in about 60-90 days. The total scope of the Riverwalk activities will probably extend six months or more.

Member Jordan asked how they would work with private landowners. Ms. Steinebach said this scope of services is somewhat limited in its' focus and price. They would be provided information through the CRA staff regarding the current status of private development proposals or interest. They may be making some contact with the private development interest. Member Kennedy said the proposal makes sense. It is such a vital and unique piece of Port Orange. Member Pohlmann asked is the proposal to pay the firm \$25,000 who is going to act as a liaison between the public and private sector. Ms. Steinebach said no. These design fees would help produce plans that would basically be an offensive strategy for the redevelopment of Causeway versus having the CRA merely be in a reactionary mode of looking at whatever types of development proposals would come from the private sector. This allows the CRA to crystallize how they would like to see the Causeway redevelop. Ms. Steinebach gave an overview of an example of a developer who has shown interest in developing the marina on the south side of Causeway adjacent to Seabird Island. As a private property owner they will, and have, approached the City with a proposal that only looks within the boundaries of their property. If, however, the City is to work in partnership with the private sector, more like what is being talked about in the Riverwalk redevelopment, there may be opportunities to provide a development outcome that meets the private sector's objective of a marina but actually enhances the Causeway boatramps, etc. The viewpoint would be expanded to a broader context and not just incrementally planning and designing and approving development. The value of these services is to erase the private property lines, and to look at Causeway as a whole. Member Pohlmann asked if it would be safe to say this company would look out for the benefit of public and to the City also. Ms. Steinebach said yes. Member Talluto said what he does not understand is that with there being little or nothing going on there with commercial development and budgets being so tight, why would they want to spend the \$25,000. He understands that some type of guide would be of benefit to potential future developers. He asked if the design would be 45 feet or over in height. Ms. Steinebach said it may or may not. If the CRA takes the policy position that nothing over 45 feet would be entertained in terms of a redevelopment, then that needs to be communicated to the designers. Member Talluto asked when this group would communicate that. He understood in a prior meeting that had already been communicated. Chairman Green said there was no formal vote. Member Talluto said there was no vote but there was an indication as to what the CRA wanted. Chairman Green said whatever is agreed to needs to be compatible. There was no set number. He understood the CRA indicated as long as it was compatible and could maybe be 35 or 45 feet. Member Talluto said it has been his experience that if you set guidelines developers eventually go up. Chairman Green said he is not willing to expend \$25,000 until the budget hearings are complete. He would like for there to be several scenarios. It is not just related to Seabird Island. He believes the south side of the Causeway is

being under utilized. Ms. Steinebach pointed out that the revenue source for the \$25,000 is the bond proceeds from the TIF Funds that were issued. They do have to be spent within a designated time period.

Chairman Green asked for Member feedback. Member Jordan is not in favor of the expenditure. Member Kennedy feels it is a valid plan, but would like for this item to be brought back after budget hearings, Members Pohlmann, Steindorfer and Talluto do not approve of the funding right now. Some design is probably needed but not at this time.

Ms. Steinebach presented a DVD that was put together for this year's Business Development Partnership Familiarization Tour. The Tour is an annual event where Business Development Partners bring in key site selectors to show them the area and commercial and industrial properties available.

Motion made by Member Kennedy, seconded by Member Pohlmann, to approve the proposal, in scope only, of Glatting Jackson Kercher Anglin, Inc., as presented without funding. Motion carried 6 - 0 upon roll call vote.

ADJOURNMENT: 7:31 P.M.

Chairman Allen Green

Attest:

Kenneth W. Parker, City Manager



# Community Redevelopment Agency for Port Orange Town Center Agenda Form

REQUESTED CRA MEETING DATE: 03/18/08

**SUBJECT:**           **ADDENDUM NO. 2 to ASSIGNMENT OF CONTRACT/  
Former BRYANT-SINGLETERY PARCEL, 3840 Halifax Drive**

**DEPARTMENT:**   Community Redevelopment Agency

**RECOMMENDED MOTION:**

To approve Addendum No. 2 to the Assignment of Contract for Purchase and Sale of Real Property at 3840 Halifax Drive, and to authorize the Chairman and City Manager to execute appropriate documents for this purpose.

**SUMMARY:**

When the CRA acquired the subject property in January 2007, it was done so under an assignment of the contract for purchase and sale by Port Orange Riverwalk, LLP. One of the provisions of that assignment was that Port Orange Riverwalk, LLP would retain the right to repurchase the property from the CRA in the event that the City and Port Orange Riverwalk, LLP did not execute the Capital Facilities and Property Exchange Agreement by mid-March, 2007. That repurchase date was further extended to March 14, 2008 by Addendum No. 1, approved in September 2007. Port Orange Riverwalk is now requesting approval of Addendum No. 2 to further extend the repurchase date to September 14, 2008.

Given our continuing mutual efforts and commitment to finalize the Capital Facilities and Property Exchange Agreement in an environment of dramatically changing economic and legal conditions, Staff recommends approval of this Addendum.

**ATTACHMENTS:**    Ordinance            Resolution            Budget Resolution  
 Other            Additional Documents Available for Review in City Manager's Office

|               |                    |                                  |      |          |
|---------------|--------------------|----------------------------------|------|----------|
| DEPARTMENT    | <i>[Signature]</i> | Submitted                        | Date | 03-04-08 |
| FINANCE       | <i>[Signature]</i> | Approved                         | Date |          |
| CITY ATTORNEY | <i>[Signature]</i> | Approved as to Form and Legality | Date | 3-06-08  |
| CITY MANAGER  | <i>[Signature]</i> | Approved Agenda Item For:        |      | 3/18/08  |

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

This Document Prepared By:  
Margaret T. Roberts, City Attorney  
1000 City Center Circle  
Port Orange, FL 32129

**Addendum No. 2**  
**to**  
**ASSIGNMENT**  
**of**  
**CONTRACT FOR PURCHASE AND SALE of REAL PROPERTY**  
**3840 Halifax Drive, Port Orange, Florida**

THIS Addendum No. 2 to ASSIGNMENT is made and entered into as of this \_\_\_\_ day of March, 2008, by and between **PORT ORANGE RIVER WALK, LLP**, a Florida Limited Liability Partnership, mailing address: Post Office Box 2900, Gainesville, FL 32602 sometimes hereinafter referred to as "**Assignor**"; and **COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER ("CRA")** a public body corporate and politic established pursuant to Section 163.356, Florida Statutes, located in the City of Port Orange, County of Volusia, State of Florida, mailing address: c/o City Manager, City of Port Orange, 1000 City Center Circle, Port Orange, FL 32129, hereinafter referred to as the "**Assignee.**"

WITNESSETH

WHEREAS, the Assignor and Timothy E. Bryant and Mattie E. Singletary ("Sellers") entered into a contract for the purchase and sale of real property located at 3840 Halifax Drive in the City of Port Orange, Volusia County, Florida. The effective date of that contract is July 20, 2006, and the real property is identified by Parcel Number 6303-11-02-0061 and is more particularly described on **Exhibit "A,"** attached hereto and made a part hereof (the "Property"); and

WHEREAS, on January 16, 2007 the Sellers and the Assignee completed the sale and purchase of the Property pursuant to the terms of the Contract, and the Assignment of that Contract to the CRA by the Assignor, dated January 16, 2007; and

WHEREAS, as a condition of the Assignment, the Assignor reserved until September 14, 2007 an option to purchase a portion of the Property lying west of the westerly boundary of Halifax Drive right-of-way; and whereas this option was extended until March 14, 2008 by Addendum No.1 to the Assignment, dated September 11, 2007; and

WHEREAS, the parties acknowledge that pursuant to Paragraph 5 of the Assignment and as of the date of this Addendum No. 2, the Assignor and the City of Port Orange have not yet entered into a Capital Facilities and Property Exchange Agreement as initially intended; however, the parties desire to continue to seek mutually acceptable terms therefore; and

WHEREAS, the parties are desirous of extending the Assignor's option to purchase through and including the end of business on the 14<sup>th</sup> day of September, 2008.

NOW, THEREFORE, for value received, receipt and sufficiency of which is hereby

acknowledged, the Assignor, Port Orange River Walk LLP and Assignee, Community Redevelopment Agency for Port Orange Town Center, hereby agree, in consideration of the mutual premises and covenants contained herein, and with the intent to be legally bound and to bind their successors and assigns, do hereby agree as follows:

A. The above recitals are true and correct, and form a material part of this Addendum No. 2 to Assignment of Contract For Purchase And Sale Of Real Property, the terms of which are incorporated herein by reference.

B. Paragraph 5 of the Assignment is hereby amended to read in its entirety as follows:

5. The Assignor reserves the right until September 14, 2008 to purchase that portion of the Property lying west of the westerly boundary of Halifax Drive right-of-way from the Assignee. The purchase price shall be an amount equal to the proportionate purchase price and closing costs incurred by Assignee.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum No. 1 by and through the duly authorized representatives on the dates as shown below.

WITNESSES:  
(as to Assignor)

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

WITNESSES:  
(as to Assignee)

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

**ASSIGNOR**

PORT ORANGE RIVER WALK, LLP  
A Florida Limited Liability Partnership

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Managing Partner

Date: \_\_\_\_\_, 2008.

**ASSIGNEE**


COMMUNITY REDEVELOPMENT AGENCY  
FOR PORT ORANGE TOWN CENTER

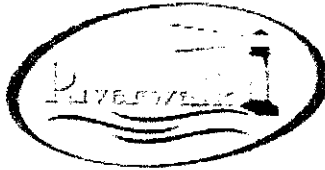
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Chairman of the CRA

Date: \_\_\_\_\_, 2008.



**EXHIBIT A**  
Sheet 2 of 2  
**LEGAL DESCRIPTION**

|   |  |  |            |      |      |      |      |
|---|--|--|------------|------|------|------|------|
|    | <b>SLIGER &amp; ASSOCIATES, INC.</b><br><b>PROFESSIONAL LAND SURVEYORS</b><br><small>FLORIDA BUSINESS CERTIFICATION NO. 1005<br/>         1327 N.W. 14th AVE.<br/>         WOLF CRANES, FL 32127<br/>         (904) 481-2300<br/>         Copyright © 2006 Sliger &amp; Associates, Inc.<br/>         WWW.SLIGERASSOCIATES.COM</small> |  |            |      |      |      |      |
| <b>PLANNING NOTES</b><br>1. NOTICE: THERE MAY BE ADDITIONAL RECORDS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAN OR<br>2. THIS SKETCH OR DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY IS PREPARED WITHOUT<br>REFERENCE TO ANY ADVERTISEMENTS.<br>3. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.<br>4. PLANNING STRUCTURE ASSUMED WITH THE BEARING ON THE EAST LINE OF REAR WOOD AVENUE BEING N27°34'W.<br>5. THREE PERSONS FOUNDATIONS IF ANY, ARE LOCATED.<br>6. THIS MAP WITHOUT THE SIGNATURE AND THE ORIGINAL HANDED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.<br>7. DIMENSIONS OTHERWISE SHOWN, RECEIVED DISTANCES, AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.<br>8. LEGAL DESCRIPTION FURNISHED BY CLIENT.<br>9. THIS MAP WITHOUT THE SIGNATURE AND THE ORIGINAL HANDED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. |  |  |            |      |      |      |      |
| THIS IS A PORTION OF LOT 6, BLOCK "B", WILSON'S PORT ORANGE, PARCEL NO. 6303-11-02-0061<br>PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)  |  |  |            |      |      |      |      |
| THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR<br>INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR<br>INDIVIDUAL, WHOEVER.   |  |  |            |      |      |      |      |
| TYPE OF SURVEY  | CERTIFIED TO   | DATE   | JOB NUMBER |      |      |      |      |
| BOUNDARY  | CITY OF PORT ORANGE<br>NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS<br>OTHER THAN THOSE LISTED ABOVE   | MARCH 25, 2006   | 06-0339    |      |      |      |      |
| <b>LEGAL DESCRIPTION:</b><br><br>LOT 6, BLOCK "B", WILSON'S PORT ORANGE, AS<br>RECORDED IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS<br>OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM<br>THE WESTERLY 205 FEET AND EXCEPT ANY PORTION<br>UNDERLYING HALIFAX AVENUE AS ESTABLISHED AND IN<br>USE, AND TOGETHER WITH RIPARIAN RIGHTS<br>APPERTAINING THERETO.  |  |  |            |      |      |      |      |
| SHEET 2 OF 2  |  | MADE WITH SIGNATURE & EMBOSSED SEAL ONLY   |            |      |      |      |      |
| FOR CITY OF PORT ORANGE   |  | THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT<br>IS BASED, WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARDS FOR<br>REQUIREMENTS FOR ALTA, ACAD, LAR, TITLE, SURVEYS," LATEST EDITION<br>AND ADOPTED BY ALTA, ACAD, LAR, TITLE, SURVEYS, LATEST EDITION<br>ACCURACY STANDARDS AS ADOPTED BY ALTA, INSPS, AND ADOPTED IN<br>EFFECT ON THE DATE OF THIS CERTIFICATION, AND I HAVE FULLY<br>CERTIFIED THAT ALL FIELD PROCEDURES, INSTRUMENTATION AND<br>FIELD BOOKS AND RECORDS WERE EMPLOYED IN ORDER TO ACCURATELY<br>ESTABLISH ALL DISTANCE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH<br>COMPLY WITH ALL APPLICABLE ALTA, ACAD, LAR, TITLE, SURVEYS, LATEST EDITION<br>STANDARDS. |            |      |      |      |      |
| DATE  | DATE   | DATE   | DATE       | DATE | DATE | DATE | DATE |
| MARCH 25, 2006  | 06-0339  | OL   | TS         | JZ   |      |      |      |
| (SEAL) DATE: MAY 2, 2006  |  |  |            |      |      |      |      |



February 28, 2008

**Delivered Electronically**

Mayor Allen Green, Chairman  
Community Redevelopment Agency for POTC  
City of Port Orange  
1000 City Center Circle  
Port Orange, FL 32129

Re: 3840 Halifax Drive

Dear Chairman Green,

On 1/9/07 (effective 1/16/07), Port Orange Riverwalk, LLP ("POR") entered into an Assignment of Contract for Purchase and Sale of Real Property (the "Assignment") with the Community Redevelopment Agency (the "CRA") regarding the property identified as Parcel #6303-11-02-0061, located at 3840 Halifax Drive, Port Orange, Florida (the "Property"). The CRA closed on the purchase of this Property on 1/16/07.

As one of the conditions of the Assignment, approved by the CRA on 12/12/06, the CRA agreed that POR had the right until 9/14/07 to purchase that portion of the Property lying west of the Halifax Dr. right-of-way from the CRA, in the event that the City of Port Orange (the "City") and POR did not enter into a Capital Facilities and Property Exchange Agreement (the "Agreement") regarding the Riverwalk Redevelopment Project by mid-March, 2007. On 9/6/07, the CRA approved Addendum No.1 to the Assignment, extending POR's option to purchase until 3/14/08.

As you are aware, the City and POR are still attempting to finalize an Agreement as of this date.

Given the intent and desire of POR to still finalize an Agreement with the City, we are hereby requesting that the CRA further extend the 3/14/08 option-to-purchase date, specified in Addendum No.1, until 9/14/08, unless an Agreement is entered into prior to that date, which includes a property exchange provision regarding the subject Property. All other terms of the Assignment regarding the purchase and the price shall remain the same. By copy of this letter, we have forwarded a proposed Addendum No.2 to Margaret Roberts, City Attorney, for consideration by the CRA.

## **Port Orange River Walk, LLP**

220 Charles Street  
Port Orange, FL 32129  
(386) 750-4188 office  
(386) 762-4187 fax



Please advise us by 3/7/08 if the CRA does not wish to approve our request for an extension, so that we can notify the City Attorney to schedule a closing for our purchase of the applicable portion of the Property on or before 3/14/08.

Sincerely,

E. V. LaCour, Managing Partner

Cc: Margaret Roberts, City Attorney

**Port Orange River Walk, LLP**

220 Charles Street  
Port Orange, FL 32129  
(386) 760-4188 office  
(386) 760-4167 fax