



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 1/19/10

SUBJECT: Update on Spruce Creek Road – Elliott Property

DEPARTMENT: Administration

RECOMMENDED MOTION:

Direct Staff to notify property owner that the City is no longer interested in acquiring the property

SUMMARY:

Some days ago, I sent an email to each of you stating that the Elliott property located on Spruce Creek Road would not provide the acreage of stormwater retention needed to address the Spruce Creek Estates and River Oaks issues. As stated in the email attached, the City would be required to acquire additional land in the area to handle the stormwater and meet the retention requirements. The City has closed on two parcels. Even with these two parcels, the City is still way short of the required retention.

As outlined in the email, without the additional land, it is doubtful that Elliott would be an appropriate expenditure from the stormwater utility fund. That does not mean that Elliott is not a valuable property for conservation purposes; however, with all of the other issues facing the City, it would be very difficult to set aside the funding for the acquisition from the City's General Fund.

Therefore, I suggest and recommend that the property owner be notified that the City is no longer interested in acquiring the property because it does not provide the land needed to address the stormwater issues in the area.

ATTACHMENTS: Ordinance Resolution Budget Resolution

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

DEPARTMENT HEAD Signed _____ Date _____

FINANCE DEPARTMENT Approved as to Budget Requirements _____ Date _____

CITY ATTORNEY Approved as to Form and Legality _____ Date _____

CITY MANAGER Approved Agenda Item For: _____ 1/19/10

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

Parker, Ken

From: Parker, Ken
Sent: Tuesday, January 05, 2010 3:22 PM
To: City Council
Cc: Pike, Warren; Roberts, Margaret; Lewis, Shannon; agiannini@qlha.com
Subject: Elliott Property on Spruce Creek Road

As you are aware, we are in the due diligence period related to the acquisition of the Elliott property. As I have reported to you, the Elliott property does not provide enough acre feet of storage to meet the stormwater treatment requirements. The City would need an additional 3 acre feet of storage in order to meet the treatment requirements. That would mean that we would have to acquire additional land in the area in order to meet the treatment requirement. If the Elliott property does not provide the treatment capacity, it would be difficult to justify using stormwater utility funds to acquire the property.

What options are available to the City Council?

1. The City could notify the property owner that the property can not be permitted for stormwater purposes and therefore the City will not close on the property. The City of Port Orange proceed to design and seek permits to construct a dry line force main between River Oaks and Spruce Creek. The City has the easements needed to construct this dry line. During periods of flooding, the City could seek authorization from St. Johns River Water Management District to conduct emergency pumping. The City would still construct the swales along Spruce Creek Road on the Spruce Creek Estates side of the road. When pumping is required, it would not disrupt any of the residents since the dry line would be buried. Currently, we have to extend flexible plastic pipe from River Oaks to the Creek. When a resident needs to have access to Spruce Creek Road or to their property, Public Works must stop pumping, disconnect the pipe in order to allow the resident to cross the discharge pipe. Also, we must place an employee at this location in order to make sure that residents can access the road and their property.
2. The City of Port Orange could acquire the property for stormwater purposes. However, the City would have to acquire additional acreage in order to meet the stormwater requirements. This could be done in phases. In other words, close on the Elliott property and look for additional property that could be used for retaining the water. It would have to be near Spruce Creek Estates, River Oaks, or Elliott in order to be feasible. The City would have to delay the construction of the retention ponds. However, I would still recommend the City construct the dry line to be used during emergencies until such time as the full storage capacity is found, designed and permitted.
3. The City of Port Orange could acquire the property from other funds. The City does not have any dollars available in its Recreational Impact Fund. All of those dollars are committed to existing projects and to repay loans from the City loan pool. There is no need for the land for utility purposes. I would not recommend acquiring the property from the equity in the General Fund. We need to guard the equity of the General Fund. I am concerned about committing the General Fund reserves to acquire property in this economic environment. If funds were available in the Wetland Mitigation Fund, then it would be eligible for acquisition from that fund. Although the property could potentially be permitted for mitigation, it probably would not cover the cost of acquisition. In my opinion, it would be far better to use the mitigation bank funds to acquire properties that could eventually produce revenue for the City of Port Orange.

Although the Elliott property would be an excellent acquisition, it simply does not meet our needs for stormwater treatment without acquiring additional property. Although there may be other properties available in the general area, they are not located in the area adjacent to or accessible to the Elliott property. At this point, I would have to state that option 1 is probably the best stormwater option available to the City of Port Orange. This item will be on the January 19, 2010 Agenda for discussion purposes.

Ken