

## MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**PREPARED BY:** Jim Kerr, City Planner *JKK*

**DATE:** January 6, 2009

**SUBJECT:** Acceptance of Northern Portion of Sparkman Avenue Right-of-Way

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### PURPOSE

To accept a portion of the right-of-way for Sparkman Avenue in conjunction with the proposed Sparkman special assessment district (SAD) for the extension of Sparkman Avenue from West Ohio Avenue to West Rhode Island Avenue.

### BACKGROUND

As the Council is aware, the Manatee Cove Elementary and the River Springs Middle School opened in 2007 and 2008 respectively. The High School, which is currently under construction, will open in either August of 2009 or January of 2010. Certain road improvements have been made over the past two years to provide access to these schools, of which, West Rhode Island is considered to be the main access to the three schools, which is currently under construction.

A very important segment intended to link Ohio Avenue with Rhode Island was proposed to be built when the Sparkman Ridge subdivision is constructed in order to provide adequate traffic circulation from Rhode Island. Staff believes that the Sparkman Avenue extension to Rhode Island is an important project that affects the health, safety or welfare of our residents.

On April 22, 2008, the City Council of the City of Orange City approved the Sparkman Ridge R-PUD Residential Planned Development to be located on the northwest corner of West Rhode Island Avenue and South Sparkman Avenue. The approval of the Sparkman Ridge R-PUD Residential Planned Development included the proposed dedication of right-of-way for South Sparkman Avenue from West Ohio Avenue to West Rhode Island Avenue, a portion of which is owned by the Volusia County School Board (VCSB).

The Volusia County School Board, the owner of the subject property located on the southwest corner of West Ohio Avenue and South Sparkman Avenue, desires to dedicate a portion of right-of-way (Sparkman Avenue) for public right-of-way purposes to the City of Orange City, Florida

### RECOMMENDATION

Staff recommends City Council approval of Resolution No. 519-09, thereby accepting a portion of the right-of-way for South Sparkman Avenue.

## **RESOLUTION NO. 519-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, RECEIVING AND ACCEPTING A CERTAIN SOUTH SPARKMAN AVENUE TRACT OF PROPERTY IN THE FORM OF A DEDICATED RIGHT-OF-WAY EASEMENT FROM THE VOLUSIA COUNTY SCHOOL BOARD, FOR PUBLIC ROAD PURPOSES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, on April 22, 2008, the City Council of the City of Orange City approved the Sparkman Ridge R-PUD Residential Planned Development to be located on the northwest corner of Rhode Island Avenue and South Sparkman Avenue, and

**WHEREAS**, the approval of the Sparkman Ridge R-PUD Residential Planned Development included the proposed dedication of right-of-way for South Sparkman Avenue from West Ohio Avenue to West Rhode Island Avenue, a portion of which is owned by the Volusia County School Board, and

**WHEREAS**, the Volusia County School Board, the owner of the subject property located on the southwest corner of West Ohio Avenue and South Sparkman Avenue, desires to dedicate a certain tract of property for public right-of-way purposes to the City of Orange City, Florida, and

**WHEREAS**, the City Council of the City of Orange City, Florida, desires to acquire and receive the right-of-way offered to the City by Sparkman LLC.

**NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** That the dedicated right-of-way for a portion of South Sparkman Avenue described herein is hereby conveyed and accepted for use as a perpetual and exclusive easement for right-of-way, for public road, sidewalk and/or bicycle path and utility purposes over, upon, under and across the following described lands, situated in Orange City, Florida, a description of which is attached hereto as Exhibit "A", and a survey drawing of which is attached hereto as Exhibit "B", and by reference incorporated herein with full force and effect.

**SECTION 2.** That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 3.** That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS (Resolution No. 519-09):**

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

ATTEST TO:

\_\_\_\_\_  
Deborah J. Renner, City Clerk

Authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:

\_\_\_\_\_  
William Reischmann, City Attorney

# Attachment A

## Resolution No. 519-09

### Legal Description

A portion of the Southwest 1/4 (one-quarter) of Section 10, Township 18 South, Range 30 East, Volusia County, Florida; being more particularly described as follows:

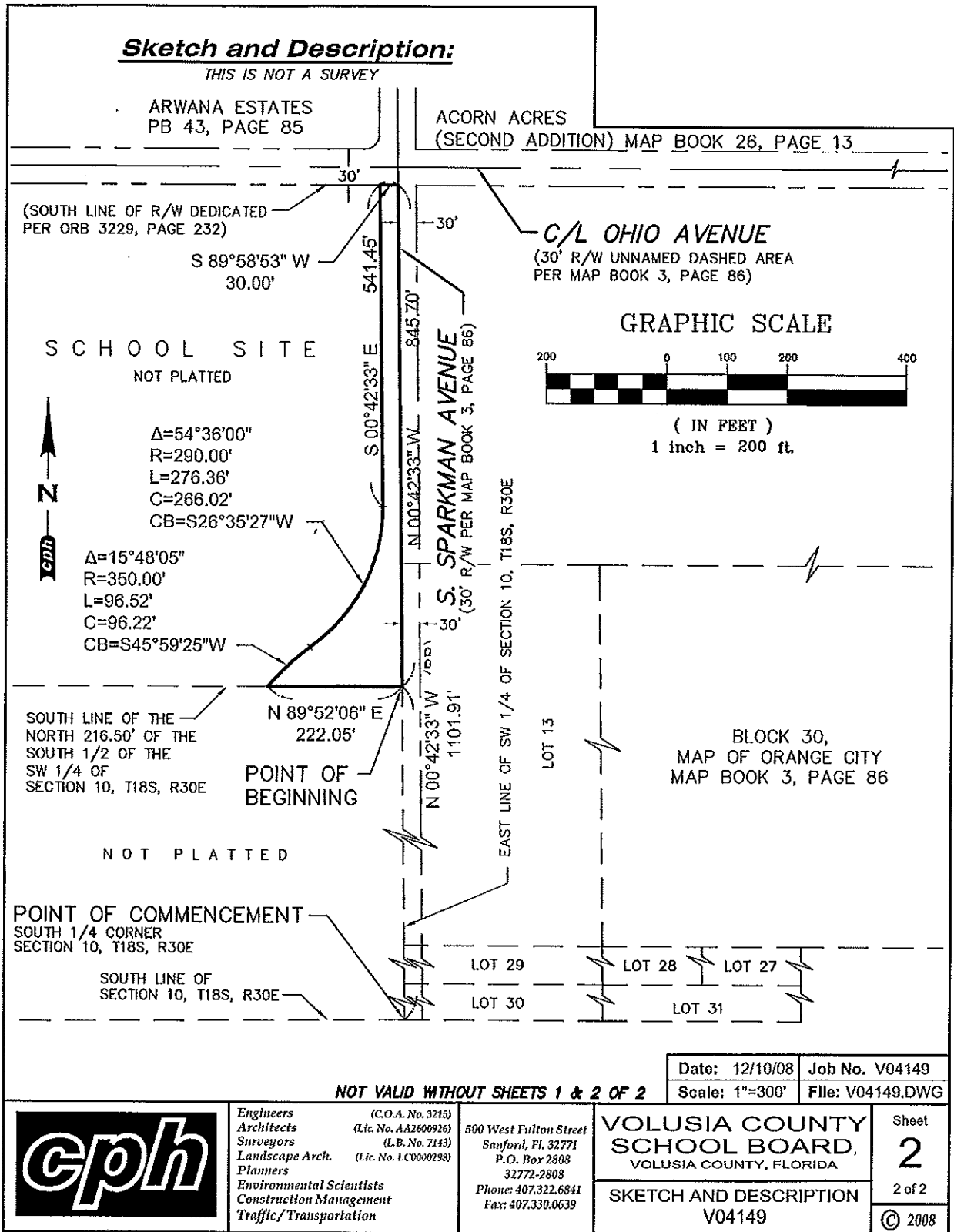
Commence at the South 1/4 corner of Section 10, Township 18 South, Range 30 East, Volusia County, Florida; run  $N00^{\circ}42'33''W$ , along the East Line of the Southwest 1/4 (one-quarter) of said Section 10, a distance of 1101.91 feet to an intersection with the South Line of the North 216.50 feet of the South 1/2 (half) of the Southwest 1/4 (one-quarter) of said Section 10, and the Point of Beginning; thence continue  $N00^{\circ}42'33''W$ , along said East Line of the Southwest 1/4 (one-quarter) of said Section 10, also being the westerly limits of Sparkman Avenue, Block 30, Map of Orange City as recorded in Map Book 3, Page 86 of the Public Records of Volusia County, Florida, a distance of 845.70 feet to the South Right-of-Way Line of Ohio Avenue dedicated per Official Record Book 3229, Page 232; thence departing said East Line and said westerly limits of Sparkman Avenue, run  $S89^{\circ}58'53''W$ , along said South Right-of-Way Line, a distance of 30.00 feet; thence departing said South Right-of-Way Line, run  $S00^{\circ}42'33''E$ , along a line parallel to the aforesaid East Line of the Southwest 1/4 (one-quarter) of said Section 10, also being centerline of Sparkman Avenue, Block 30, Map of Orange City as recorded in Map Book 3, Page 86 of the Public Records of Volusia County, Florida, a distance of 541.45 feet to a Point of Curvature of a curve concave Northwesterly having a radius of 290.00 feet, a chord distance of 266.02 feet and a chord bearing of  $S26^{\circ}35'27''W$ ; thence run Southwesterly along the arc of said curve through a central angle of  $54^{\circ}36'00''$ , an arc distance of 276.36 feet to a Point of Reverse Curvature with a curve concave Southeasterly and having a radius of 350.00 feet, a chord distance of 96.22 feet and a chord bearing of  $S45^{\circ}59'25''W$ ; thence run Southwesterly along the arc of said curve through a central angle of  $15^{\circ}48'05''$ , an arc distance of 96.52 feet to a point on the aforesaid South Line of the North 216.50 feet of the South 1/2 (half) of the Southwest 1/4 (one-quarter) of said Section 10; thence run  $N89^{\circ}52'06''E$ , along said South Line a distance of 222.05 feet to the Point of Beginning.

Containing 1.02 Acres, more or less.

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# Attachment B

## Resolution No. 519-09



Containing 1.02 Acres more or less.

This instrument prepared by,  
and return to:  
Debbie Renner  
City Clerk  
205 East Graves Avenue  
Orange City, Florida 32763-5299

## **RIGHT OF WAY DEDICATION**

### **KNOW ALL MEN BY THESE PRESENTS**

That the Grantor(s), THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA, a public corporate body organized and existing under the Constitution and laws of the State of Florida, ("School Board"),

Whose post office address is 200 North Clara Avenue, DeLand, Florida 32721:

for and in consideration of Ten Dollars(\$10.00) and other valuable considerations, in hand paid by the Grantee, receipt whereof is herein acknowledged, do hereby grant and convey unto the Grantee, the City of Orange City, whose address is 205 East Graves Avenue, Orange City, Florida 32763-5299, and its successors and assigns, a perpetual and exclusive easement for right-of-way for public road, sidewalk and/or bicycle path and utility purposes over, upon, under and across the following described lands, situate in Orange City, Florida, to-wit:

A portion of the southwest  $\frac{1}{4}$  (one-quarter) of section 10, Township 18 south, Range 30 east, Volusia County, Florida; being more particularly described as follows:

Commence at the south  $\frac{1}{4}$  corner of section 10, township 18 south, range 30 east, Volusia County, Florida; run N00°42'33", along the east line of the southwest  $\frac{1}{4}$  (one-quarter) of said section 10, a distance of 1101.91 feet to an intersection with the south line of the north 216.50 feet of the south  $\frac{1}{2}$  (half) of the southwest  $\frac{1}{4}$  (one-quarter) of said section 10, and the point of beginning; thence continue N00°42'33"W, along said east line of the southwest  $\frac{1}{4}$  (one-quarter) of said section 10, also being the westerly limits of Sparkman Avenue, Block 30, map of Orange City as recorded in map book 3, page 86 of the public records of Volusia County, Florida, a distance of 845.70 feet to the south right-of-way line of Ohio Avenue dedicated per ORB 3229, page 232; thence departing said east line and said westerly limits of Sparkman Avenue, run S89°58'53"W, along said south right-of-way line, a distance of 30.00 feet; thence departing said south right-of-way line, run S00°42'33"E, along a line parallel to the aforesaid east line of the southwest  $\frac{1}{4}$  (one-quarter) of said section 10, also being centerline of Sparkman Avenue, Block 30, map of Orange City as recorded in map book 3, page 86 of the public records of Volusia County, Florida, a distance of 541.45 feet to a; point of curvature of a curve concave northwesterly having a radius of 290.00 feet, a chord distance of 266.02 feet and a chord bearing of S26°35'27"W; thence run southwesterly along the arc of

said curve through a central angle of 54°36'00", an arc distance of 276.36 feet, a chord distance of 96.22 feet and a chord bearing of S45°59'25"W; thence run southwesterly along the arc of said curve through a central angle of 15°48'05", an arc distance of 96.52 feet to a point on the aforesaid south line of the north 216.50 feet of the south ½ (half) of the southwest ¼ (one-quarter) of said section 10; thence run N89°52'06"E, along said south line a distance of 222.05 feet to the point of beginning. Containing 44,758 square feet (1.02 acres more or less).

The Property Appraiser's Parcel Identification Number(s) of the subject property is: **8010-00-00-0022.**

TO HAVE AND TO HOLD the same unto said Grantee and its successors and assigns, together with the right to enter upon said lands and construct and maintain a public road and/or bicycle path and utilities thereon; with all such fills, cuts, drains, ditches and other incidents which the said Grantee may deem necessary or convenient in connection therewith; and together with the right to issue permits for the installation and maintenance of Public Utilities thereon; with immunity unto the said Grantee from all claims for severance damage to Grantors' contiguous lands, if any, arising from or growing out of such construction and/or maintenance.

IN WITNESS WHEREOF said Grantor(s) has hereunto set his/her/their hand(s) and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**SCHOOL BOARD OF VOLUSIA COUNTY,**  
a Public Agency of the State of Florida

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Name printed or typed

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Name printed or typed

\_\_\_\_\_  
Mrs. Diane J. Smith, Chairman

Attest: \_\_\_\_\_  
Margaret A. Smith, D.Ed., Secretary