

# City of South Daytona

## Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



### MEMORANDUM

To: James L. Gillis Jr., City Manager

From: Becky Witte, Deputy City Clerk

Re: Consideration of approving Resolution No. 2026-03 vacating a portion of the western end of Silver Pond and authorizing the execution and delivery of a vacation deed.

Date: January 13, 2026

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In 2016, through Resolution No. 16-22, the City Council determined that property located next to Silver Pond was not needed for public use based on the original design of the pond. The property was not included within the fenced pond area and has been used by the owner of 1883 Magnolia Avenue, identified as Lot 9 in Big Tree Village Phase V, under a License Agreement dated June 19, 1996. This area has been in continuous private use for more than twenty years and has not been used for any public purpose.

City records, including Attachment "B" to Resolution No. 16-22, also identified an additional area known as Sub-Parcel 2 that met the same conditions and was intended to be vacated at that time; however, an accurate legal description was not included in that agenda item back in 2016. As a result, that oversight created an uncertainty that was recently brought to the staff's attention by the intended property owner. Therefore, an accurate legal description and sketch, along with an updated resolution, must be developed to properly deed the property to the intended owner. That legal description and a corresponding sketch have now been completed and are included as Exhibit "A" to the proposed Resolution.

The attached Resolution finds that the property described in Exhibit "A" is not needed for public use, was excluded from the fenced Silver Pond area as part of the original subdivision design and has been used by the adjacent property owner under the long-standing License Agreement. The Resolution properly vacates the City's interest in the property and authorizes the execution and delivery of a vacation deed, included as Exhibit "B."

Staff recommends that the City Council approve Resolution No. 2026-03, vacate the described property, and authorize execution of the vacation deed.

## **RESOLUTION NO. 2026-03**

**A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA, APPROVING THE VACATION OF ANY AND ALL PROPERTY INTEREST OF THE CITY IN CERTAIN REAL PROPERTY LOCATED AT THE WESTERN END OF SILVER POND, BIG TREE VILLAGE SUBDIVISION PHASE IV; AUTHORIZING THE EXECUTION AND DELIVERY OF A VACATION DEED CONCERNING SAME; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to s. 2(b), Article VIII of the Florida Constitution, the Municipal Home Rule Powers Act, Section 166.021, Florida Statutes, Section 8.3(A)(5) of the City of South Daytona Land Development Regulations, and other controlling law, the City Council has the authority to vacate, abandon, and convey by quitclaim deed any part or all of a street, alley or other public right-of-way, including when it appears to the Council to be right and just for the purpose of fixing the proper location of any property or correcting the description thereof or disposing of a right-of-way that is unused and that the City has no plans to use in the foreseeable future; and

**WHEREAS**, the City Council previously adopted Resolution No. 16-22, which vacated the City's interest in certain real property, to wit: "A 33.30 FOOT WIDE STRIP OF LAND BEING THE WESTERLY 33.3 FEET OF LOT 26, BIG TREE VILLAGE PHASE IV, PLAT BOOK 40, PAGE 34, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA."; and

**WHEREAS**, the City Council found in Resolution No. 16-22 that such real property was not needed due to the original design of the stormwater pond known as Silver Pond, during the original development of the Big Tree Village Subdivision and was excluded from the fenced area around the pond, and that at that time such real property had been given for use to the owner of Lot 9, Big Tree Village Phase V, through a License Agreement on June 19, 1996, and that agreement had been active for over 20 years at such time, and not utilized for public use during that time; and

**WHEREAS**, City records, including Attachment "B" to Resolution No. 16-22, indicate that an additional portion of real property, generally referenced as "SUB-PARCEL 2" in Attachment "B" to Resolution No. 16-22, also met the aforementioned criteria and were intended to be vacated, pending the development of an accurate legal description of such real property; and

**WHEREAS**, an accurate legal description and sketch of description of such real property has now been developed, as reflected in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the City Council finds that the real property described in Exhibit "A" is not needed due to the original design of the stormwater pond known as Silver Pond, during the original development of the Big Tree Village Subdivision and was excluded from the fenced area around the pond, and that such real property had been given for use to the owner of Lot 9, Big Tree Village Phase V, through a License Agreement on June 19, 1996, and not utilized for public use; and

**WHEREAS,** the City Council finds that it is appropriate to vacate the City's interest in such real property and to execute and deliver a vacation deed in the form attached as Exhibit "B" and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:**

**SECTION 1. Recitals.** The above recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Approval of Vacation.** The City Council of the City of South Daytona hereby vacates all of the City rights, title and interest to the following described real property:

**See Exhibit "A", attached hereto and incorporated herein.**

**SECTION 3. Authorization of Execution and Delivery of Vacation Deed.** The City Council authorizes the execution and delivery of a vacation deed in the form attached as Exhibit "B" and incorporated herein.

**SECTION 4. Conflicts.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** upon first and final reading at a regular meeting of the City Council of the City of South Daytona, Florida, on the 10<sup>th</sup> day of February 2026.

**CITY OF SOUTH DAYTONA, FLORIDA**

ATTEST:

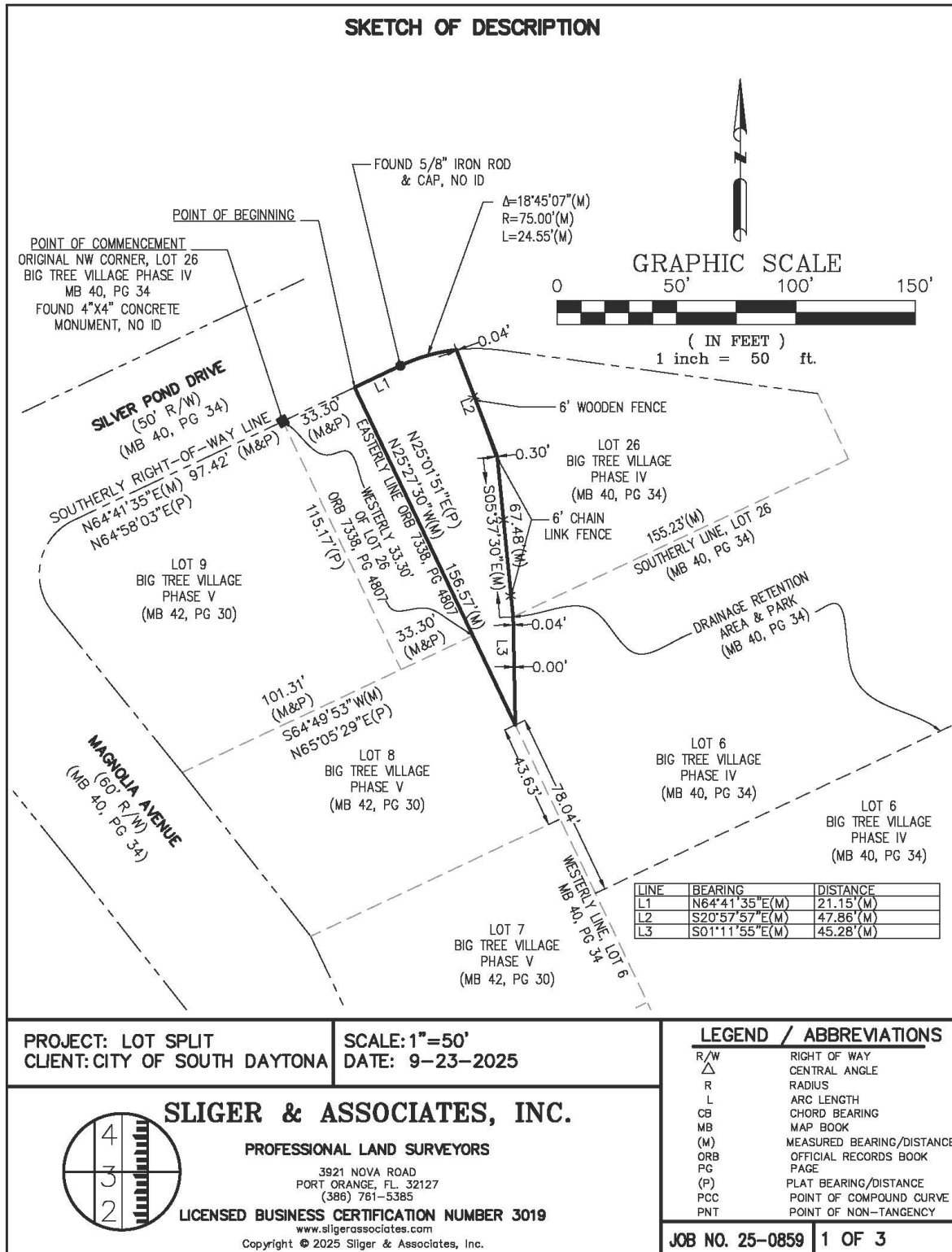
\_\_\_\_\_  
James L. Gillis, Jr., City Manager  
as Appointed City Clerk

\_\_\_\_\_  
William C. Hall, Mayor

Approved as to form and sufficiency

\_\_\_\_\_  
Wade C. Vose, City Attorney

Item 10 - Exhibit A to Resolution - Legal Description and Sketch of Description



## SKETCH OF DESCRIPTION

### DESCRIPTION:

A PART OF LOTS 6 & 26 OF BIG TREE VILLAGE PHASE IV AS RECORDED IN MAP BOOK 40, PAGE 34, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SILVER POND DRIVE, A 50 FOOT RIGHT-OF-WAY AS RECORDED IN MAP BOOK 40, PAGE 34, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND THE ORIGINAL NORTHWEST CORNER OF SAID LOT 26; THENCE ALONG SAID RIGHT-OF-WAY LINE, N64°41'35"E, A DISTANCE OF 33.30 FEET TO THE POINT OF BEGINNING;  
THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N64°41'35"E, A DISTANCE OF 21.15 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 75.00 FEET; THENCE, THROUGH A CENTRAL ANGLE OF 18°45'07", AN ARC LENGTH OF 24.55 FEET; THENCE, DEPARTING SAID RIGHT-OF-WAY LINE, S20°57'57"E, A DISTANCE OF 47.86 FEET; THENCE S05°37'30"E, A DISTANCE OF 67.48 FEET TO THE SOUTHERLY LINE OF SAID LOT 26; THENCE S01°11'55"E, A DISTANCE OF 45.28 FEET TO THE WESTERLY LINE OF LOT 6 OF THE AFOREMENTIONED BIG TREE VILLAGE PHASE IV; THENCE N25°27'30"W, ALONG THE WESTERLY LINE OF SAID LOT 6, AND THE EASTERLY LINE OF THE THE WESTERLY 33.30 FEET OF SAID LOT 26, AS DESCRIBED IN THE VACATION DEED RECORDED IN OFFICIAL RECORDS BOOK 7338, PAGE 4807, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 156.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,512.46 SQUARE FEET, OR 0.104 ACRES, MORE OR LESS.

SLIGER &  
ASSOCIATES, INC.

PROJECT: LOT SPLIT  
CLIENT: CITY OF SOUTH DAYTONA

SCALE: N/A  
DATE: 9-23-2025

JOB NO. 25-0859 | 2 OF 3

## SKETCH OF DESCRIPTION

### SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SKETCH OF DESCRIPTION.
2. BEARING STRUCTURE IS BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SILVER POND DRIVE (A 50' RIGHT-OF-WAY), HAVING A BEARING OF N64°41'35"E. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT.
4. THIS SKETCH IS BASED ON FIELD DATA AS COLLECTED ON SEPTEMBER 22, 2025.
5. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR A VALID ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. THIS DESCRIPTION HAS BEEN CREATED BY SLIGER & ASSOCIATES INC., PER CLIENT REQUEST.
7. THIS SKETCH IS A SET AND IS NOT VALID WITHOUT ALL SHEETS INCLUDING SHEETS 1 THROUGH 3.

*THIS SKETCH OF DESCRIPTION IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.*

**CERTIFIED TO: THE CITY OF SOUTH DAYTONA**

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**Jeffrey S Hattendorf** Digitally signed by  
Jeffrey S Hattendorf  
Date: 2025.09.24  
10:37:19 -04'00'

JEFFREY S. HATTENDORF  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA LICENSE NUMBER 6193

**PROJECT: LOT SPLIT**  
**CLIENT: CITY OF SOUTH DAYTONA**

**SCALE: N/A**  
**DATE: 9-23-2025**

**JOB NO. 25-0859 3 OF 3**

Prepared by and return to:  
Wade C. Vose, Esq.  
South Daytona City Attorney  
Vose Law Firm LLP  
324 W Morse Blvd.  
Winter Park, FL 32789

Parcel Identification No.: Portion of 534432000260  
Portion of 534432000001

THIS DEED PREPARED AT CLIENT'S REQUEST WITHOUT LEGAL OPINION ON TITLE OR TITLE EXAMINATION

### **VACATION DEED**

**THIS VACATION DEED**, executed this 10<sup>th</sup> day of February, 2026, by the City of South Daytona, a Florida municipal corporation, whose principal address is 1672 South Ridgewood Avenue, South Daytona, Florida 32219 ("Grantor"), to George F. Locke, III, and Martha Jo Locke, husband and wife, whose principal address is 1883 Magnolia Avenue, South Daytona, Florida 32219 ("Grantee"):

(Wherever used herein, the terms "grantor" and "grantee" 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.)

**WHEREAS**, Grantor approved Resolution No. 2026-03 vacating all of the City's interest in the real property described in Exhibit "A" below.

**WHEREAS**, such real property is adjacent to the Grantee's property and the Grantee has had a license agreement dating from 1996 with the Grantor to use and maintain said property.

**WHEREAS**, Grantee is the logical party to have an interest in said property upon the City vacating its interest.

**WHEREAS**, this vacation deed is being executed for the potential elimination of title defects and to have the effect of a quitclaim deed. Grantor is providing no warranties of title whatsoever to the Grantee.

### **WITNESSETH:**

That the Grantor, for and in consideration of the sum of \$10.00, and other good and valuable consideration paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto the Grantee forever, all the right, title, interest, claim, and demand which Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of VOLUSIA, State of Florida, to wit:

**See Exhibit "A" attached hereto and made a part hereof (the "Property").**

\* This does not constitute homestead property of the grantors.

There is no consideration for this transfer.

**TO HAVE AND TO HOLD** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee forever.

Grantor, in accordance with Section 270.11, Florida Statutes (2024), releases Grantor's interest in, and title in and to all the phosphate, minerals, and metals that are or may be in, on, or under the Property with the privilege to mine and develop the Property, Grantee having petitioned for this release. The reasons justifying such release is that the Property is too small to have practical value for mining, it is unknown whether any valuable minerals exist on the Property, and the Property is not in a location conducive to mining operations of any kind, and without full mineral rights.

**[SIGNATURE PAGE TO FOLLOW]**



**IN WITNESS WHEREOF**, Grantor has hereunto set its hand and seal the day and year first above written.

City of South Daytona, a Florida municipal corporation

By:

James L. Gillis, Jr.  
City Manager

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness Address

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness Address

STATE OF FLORIDA  
COUNTY OF VOLUSIA

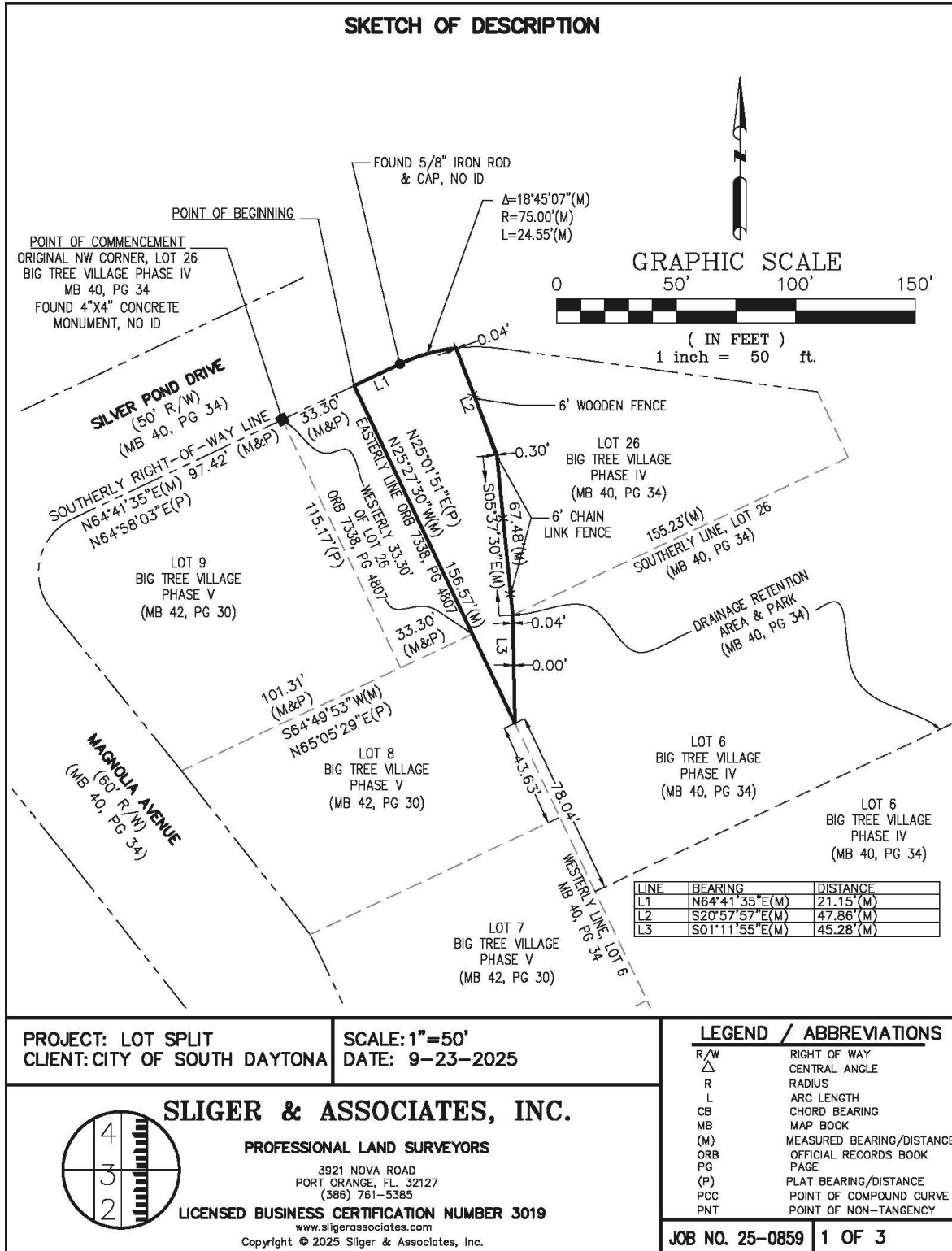
The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by James L. Gillis, Jr., as City Manager of the City of South Daytona, a Florida municipal corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

[Notary Seal]

\_\_\_\_\_  
Name typed, printed or stamped  
My Commission Expires: \_\_\_\_\_

# **Exhibit "A"** **Legal Description and Sketch**



**Exhibit "A"**  
**Legal Description and Sketch (continued)**

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**SLIGER &  
ASSOCIATES, INC.**

**PROJECT: LOT SPLIT  
CLIENT: CITY OF SOUTH DAYTONA**

**SCALE: N/A  
DATE: 9-23-2025**

**JOB NO. 25-0859    2 OF 3**

**Exhibit "A"**  
**Legal Description and Sketch (continued)**

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