

City of South Daytona

Community Redevelopment Department

Post Office Box 214960 • South Daytona, FL 32121 • 386/322-3016 • Fax 386/322-3018



MEMORANDUM

To: James L. Gillis Jr., City Manager
From: Patty Rippey, AICP, Redevelopment Director
Re: Resolution 2021-18 - Consideration of declaring City property as surplus land located at Parcel ID 5344-16-00-1133 (Foster Way)
Date: July 9, 2021

AGENDA ITEM

Item # D18

Date: July 27, 2021

INTRODUCTION:

This memorandum serves to request the City Council declare the property located at Parcel ID 5344-16-00-1133, on Foster Way, as surplus property, and authorizing staff to facilitate its sale.

BACKGROUND:

The 6.88-acre property located at the eastern terminus of Foster Way and is bounded on the east side by Magnolia Ave. The site is located south of Beville Rd (SR 400), north of Big Tree Rd, east of Nova Rd and west of S Ridgewood Ave (US-1). The property was purchased from John T. Self on May 14, 2004, by the City with plans to construct a Public Works Facility and Emergency Operations Center. The property was rezoned in 2004 to Planned Commercial Development (PCD) and the Future Land Use was amended to Public. Ordinance 2004-03 noted that the sole purpose of the PCD was for accommodating the City's public works operation center. Since that time, this plan has been terminated.

An appraisal was completed in April 2021 with an opinion of value at \$690,000. Per Section 2-150 of the City of South Daytona Code of Ordinances, should the City Council find the property is surplus and authorizes the sale, "all costs incurred by the city associated with the sale or lease of city property, including but not limited to attorney fees, appraisal costs, engineering fees, shall be paid by the purchaser or lessee, unless the city council waives this requirement."

The sale prices will be set at the appraisal price of \$690,000 plus additional fees totaling \$1,500 for appraisal and approximately \$2,000 for attorney cost. The buyer would provide an escrow deposit and would also be the responsible for all closing costs.

City of South Daytona, Code of Ordinances, Sec. 2-150. - Acquisition, sale, or lease of real property.

- (a) The city shall comply with F.S. § 166.045 when acquiring real property. Pursuant to F.S. § 166.045(1)(b), the city council hereby waives the appraisal requirement for any purchase of real property in the amount of one hundred thousand dollars (\$100,000) or less.
- (b) The following regulations shall apply to the sale or lease of city property.
 - (1) *City property* includes but is not limited to any land, water or air rights and all fixtures or improvements attached to land owned, dedicated or under city control by lease or other means.
 - (2) *Lease of city property* means any right to lease city property by way of agreement, irrespective of consideration being paid to the city, and irrespective of the city also utilizing or being allowed to utilize the property for any purpose during the term of the lease. For purposes of this article, the term "lease" shall not include special event permits, revocable permits, concession agreements, management agreements, use agreement or leases for a term one (1) week or less, including option periods.
 - (3) *Sale of city property* means any conveyance, transfer, gift, exchange, or other transaction in which legal title passes from the city to any person or entity, whether or not the city retains any partial title, interest, reservation, easement, right-of-way, restriction, or license in regard to the property. This definition shall include any sale of development rights as defined in the city Code, and transfer of development rights. This definition shall not include a vacation or abandonment of a city public right-of-way, including streets or alleys, or the encroachment thereupon.
 - (4) All costs incurred by the city associated with the sale or lease of city property, including but not limited to attorney fees, appraisal costs, engineering fees, shall be paid by the purchaser or lessee, unless the city council waives this requirement.
 - (5) The city council must approve in advance the acquisition of any interest in real property by the city, including fee simple interest, easements, or rights-of-way. City council approval is not necessary when any interest in real property is donated/dedicated to the city without any form of consideration from the city, other than closing costs, including recording fees, intangible taxes, and title insurance (but excluding the property owner's attorney's fees).

RECOMMENDATION:

Staff recommends that the property described herein be declared surplus property via Resolution 2021-18 and placed on the market for sale.

Costs: \$690,000 (appraisal estimate)

Approximate Attorney Cost: \$2,000

Appraisal Fee: \$1,500 (Cooksey & Associates, Inc.)

RESOLUTION 2021-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, DECLARING THE VACANT PROPERTY OWNED BY THE CITY OF SOUTH DAYTONA LOCATED AT FOSTER WAY, PARCEL ID 5344-16-00-1133, AS SURPLUS AND AUTHORIZING STAFF TO FACILITATE ITS SALE; AND PROVIDING FOR CONFLICTING RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in May 2004, John T. Self, individually, and as Trustee of the John T. Self Trust dated March 31, 2003, conveyed to the City of South Daytona, that certain real property as described in Exhibit “A” hereto, which real property is located on Foster Way, Parcel ID 5344-16-00-1133, South Daytona, (hereinafter, the “Subject Property”) and;

WHEREAS, the Subject Property is no longer necessary, useful, or suitable for municipal purposes; and

WHEREAS, an appraisal of the Subject Property was completed in April 2021 with an opinion of value at \$690,000, and;

WHEREAS, per Section 2-150 of the City of South Daytona Code of Ordinances, should the City Council find the Subject Property is surplus and authorize the sale, “all costs incurred by the city associated with the sale or lease of city property, including but not limited to attorney fees, appraisal costs, engineering fees, shall be paid by the purchaser or lessee, unless the city council waives this requirement,” and;

WHEREAS, the City Council authorizes staff to solicit formal bids from buyers to facilitate the sale of the Subject Property.

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

SECTION 1: The City Council of the City of South Daytona hereby

- (1) determines and finds the Subject Property to be unnecessary for its public purposes;
- (2) determines that disposal of the Subject Property is in the best interest of the public; and
- (3) authorizes staff to facilitate the sale of the Subject Property; and

SECTION 2. 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, 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 or application hereof.

SECTION 3. That all resolutions made in conflict with this Resolution are hereby repealed.

SECTION 4. Effective Date. This resolution shall take effect immediately upon its passage and adoption.

THIS RESOLUTION APPROVED ON FIRST AND ONLY READING this 27th day of July 2021 by the City Council of the City of South Daytona, Florida.

CITY OF SOUTH DAYTONA, FLORIDA

William C. Hall, Mayor

ATTEST: _____
James L. Gillis Jr, City Manager

APPROVED AS TO FORM AND LEGALITY:

Wade Vose, City Attorney

Exhibit "A"

Book : 5323
Page : 3639

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL #5344-16-00-1130 (SPLIT OUT)

LEGAL DESCRIPTION

POINT OF COMMENCEMENT NORTHWEST CORNER OF LOT 113, TOWN OF BLAKE TOWNSHIP 15 SOUTH, RANGE 33, SECTION 41; THENCE NORTH 65°05'17" EAST ALONG THE NORTH LINE OF AFORESAID LOT A DISTANCE OF 325.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE NORTH LINE NORTH 65°05'17" EAST A DISTANCE OF 710.70 FEET TO THE WEST RIGHT OF WAY LINE OF MAGNOLIA AVENUE; THENCE SOUTH 56°09'57" EAST ALONG THE WESTERLY RIGHT OF WAY LINE A DISTANCE OF 111.96 FEET; THENCE SOUTH 27°54'27" EAST A DISTANCE OF 305.51 FEET TO THE SOUTH LINE OF LOT 113, TOWN OF BLAKE TOWNSHIP 15 SOUTH, RANGE 33, SECTION 41; THENCE SOUTH 64°54'41" WEST ALONG THE SOUTH LINE OF LOT 113 A DISTANCE OF 110.12 FEET; THENCE DEPARTING THE SOUTH LINE OF LOT 113, NORTH 27°37'57" WEST A DISTANCE OF 78.35 FEET; THENCE SOUTH 64°44'04" WEST A DISTANCE OF 455.02 FEET; THENCE SOUTH 27°43'31" EAST A DISTANCE OF 76.95 FEET TO THE SOUTH LINE OF LOT 113; THENCE SOUTH 64°40'45" WEST ALONG THE SOUTH LINE OF LOT 113, A DISTANCE OF 147.96 FEET, TO A POINT OF A NON RADIAL CURVE ON A PROPOSED PUBLIC WORKS ROAD, THENCE 292.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE SOUTHWEST), HAVING A CENTRAL ANGLE OF 268°09'05", A RADIUS OF 62.50 FEET, A CHORD BEARING OF NORTH 69°23'47" WEST AND A CHORD DISTANCE OF 89.80 FEET TO A POINT; THENCE NORTH 26°23'43" WEST A DISTANCE OF 339.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.93 ACRES MORE OR LESS.

See continuation of Legal Description

And
together with

DESCRIPTION OF PUBLIC ROAD RIGHT OF WAY:
POINT OF COMMENCEMENT BEING THE NORTHERLY LINE OF LOT 133, TOWN OF BLAKE SUBDIVISION, RECORDED IN MAP BOOK 1, PAGE 38, AND DEED BOOK "E", PAGE 150, AND THE EASTERLY LINE OF NOVA ROAD SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 79180, SHEET 12 OF 17, DATED 5-1-82. THENCE SOUTH 24°52'27" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF NOVA ROAD AS SHOWN ON AFORESAID MAP A DISTANCE OF 4.98 FEET; THENCE SOUTH 65°07'33" WEST A DISTANCE OF 2.00 FEET; THENCE SOUTH 24°52'27" EAST A DISTANCE OF 260.29 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT OF CURVATURE; THENCE LEAVING THE RIGHT OF WAY LINE OF NOVA ROAD, 23.56 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE NORTHERLY), HAVING A CENTRAL ANGLE OF 09°00'00", A RADIUS OF 15.00 FEET, A CHORD BEARING OF SOUTH 66°52'27" EAST AND A CHORD DISTANCE OF 21.21 FEET TO A POINT OF TANGENCY; THENCE NORTH 65°07'33" EAST A DISTANCE OF 11.94 FEET TO A POINT OF CURVATURE; THENCE 137.38 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHERLY), HAVING A CENTRAL ANGLE OF 034°58'40", A RADIUS OF 225.00 FEET, A CHORD BEARING OF NORTH 82°36'53" EAST AND A CHORD DISTANCE OF 135.23 FEET TO A POINT OF TANGENCY; THENCE SOUTH 79°53'47" EAST A DISTANCE OF 72.56 FEET TO A POINT OF CURVATURE; THENCE 108.20 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHERLY), HAVING A CENTRAL ANGLE OF 035°25'28", A RADIUS OF 175.00 FEET, A CHORD BEARING OF NORTH 82°23'29" EAST AND A CHORD DISTANCE OF 106.48 FEET TO A POINT OF TANGENCY; THENCE NORTH 84°40'45" EAST A DISTANCE OF 318.81 FEET TO A POINT OF CURVATURE; THENCE 79.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHWESTERLY), HAVING A CENTRAL ANGLE OF 018°39'10", A RADIUS OF 275.00 FEET, A CHORD BEARING OF NORTH 56°21'10" EAST AND A CHORD DISTANCE OF 79.65 FEET TO A POINT OF TANGENCY; THENCE NORTH 48°01'35" EAST A DISTANCE OF 63.94 FEET TO A POINT OF CURVATURE; THENCE 94.46 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHEASTERLY), HAVING A CENTRAL ANGLE OF 016°39'10", A RADIUS OF 325.00 FEET, A CHORD BEARING OF NORTH 56°21'10" EAST AND A CHORD DISTANCE OF 94.13 FEET TO A POINT OF TANGENCY; THENCE NORTH 84°40'45" EAST A DISTANCE OF 106.26 FEET TO A POINT OF CURVATURE; THENCE 23.08 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHWESTERLY), HAVING A CENTRAL ANGLE OF 088°08'05", A RADIUS OF 15.00 FEET, A CHORD BEARING OF NORTH 20°36'13" EAST AND A CHORD DISTANCE OF 20.87 FEET TO A POINT OF REVERSE CURVE; THENCE 282.51 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE WESTERLY), HAVING A CENTRAL ANGLE OF 268°09'05", A RADIUS OF 82.50 FEET, A CHORD BEARING OF SOUTH 69°23'47" EAST AND A CHORD DISTANCE OF 89.80 FEET TO A POINT OF TANGENCY; THENCE SOUTH 64°40'48" WEST A DISTANCE OF 183.72 FEET; THENCE SOUTH 54°40'45" WEST A DISTANCE OF 685.02 FEET; THENCE NORTH 79°53'47" WEST A DISTANCE OF 68.39 FEET TO A POINT OF CURVATURE; THENCE 106.83 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE SOUTHERLY), HAVING A CENTRAL ANGLE OF 034°58'40", A RADIUS OF 175.00 FEET, A CHORD BEARING OF SOUTH 82°36'53" WEST AND A CHORD DISTANCE OF 105.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 65°07'33" WEST A DISTANCE OF 11.94 FEET TO A POINT OF CURVATURE; THENCE 23.56 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE SOUTHEASTERLY), HAVING A CENTRAL ANGLE OF 09°00'00", A RADIUS OF 15.00 FEET, A CHORD BEARING OF SOUTH 20°07'33" WEST AND A CHORD DISTANCE OF 21.21 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF NOVA ROAD; THENCE NORTH 24°52'27" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF NOVA ROAD A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.95 ACRES MORE OR LESS.