



## City of South Daytona Department of Public Works

1770 Segrave Street • South Daytona, FL 32121 • 386/322-3080

### MEMORANDUM

## AGENDA ITEM

### Item # 12

Date: December 14, 2021

**To:** James L. Gillis, Jr., City Manager

**From:** Brian Peek, P.E., Public Works Director

**Re:** Consideration of approving Resolution No. 2021-32, accepting the remaining Utility Easements for Public Use on Sheri Blvd for the installation of a Sanitary Sewer Line.

**Date:** December 6, 2021

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In October of 2020, Public Works polled residents/owners of the properties on Sheri Boulevard regarding their interest in the City installing a sewer line and received all positive responses. The City acquired grant funding from the Florida Department of Environmental Protection and St. Johns River Water Management District to connect properties with septic systems to existing City sewer at no cost to the owner.

As there is not an existing sewer line in place on Sheri Boulevard, the City wishes to use sewer impact money and a portion of the remaining funds from the Florida Department of Environmental Protection to place a new line under and resurface Sheri Boulevard.

While determining feasibility of this project, it was found that a utility easement did not exist over, under, nor through the road on the south side (eastbound lane) of Sheri Boulevard. Most of the easements were received by City Manager Gillis during his tenure as Public Works Director, but several were still needed. Public Works staff worked diligently to secure the remaining easements.

Each easement requests 10 feet of access from the center of the road into the front of the property which slightly wider (roughly 2 feet) than the road and is necessary as each tap for the sewer will need to come to the surface outside of the road.

Staff requests council accept the remaining Utility Easements for Public Use on Sheri Blvd for installation of a Sanitary Sewer Line. A list of the properties along Sheri Blvd is attached to the Resolution.

**RESOLUTION NO. 2021-32**

**A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA,  
ACCEPTING UTILITY EASEMENTS ON SHERI BOULEVARD FOR  
SANITARY SEWER SERVICE INSTALLATION; PROVIDING FOR  
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, at the request of the City of South Daytona, a number of property owners along Sheri Boulevard have executed and delivered to the City certain Right-of-Way Dedications and Utility Easements, which have been recorded as specified in Exhibit “A”, across a portion of their respective properties; and

**WHEREAS**, the City of South Daytona is presently finalizing the execution and delivery of Utility Easements from additional property owners along Sheri Boulevard; and

**WHEREAS**, such Right-of-Way Dedications and Utility Easements are required to allow the City to install a sanitary sewer line under Sheri Boulevard; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to formally accept the Right-of-Way Dedications and Utility Easements previously delivered to the City, and to authorize the acceptance of future Utility Easements delivered to the City by property owners at the request of the City for the Sheri Boulevard sanitary sewer project.

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

**Section 1.** The City of South Daytona hereby accepts the Right-of-Way Dedications and Utility Easements referenced in Exhibit “A” hereto.

**Section 2.** The City of South Daytona hereby authorizes the acceptance of all future Utility Easements delivered to the City by property owners at the request of the City for the Sheri Boulevard sanitary sewer project, and the Mayor is authorized to execute appropriate instruments to memorialize such acceptance.

**Section 3.** 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 the validity of the remaining portions or application hereof.

**Section 4.** All resolutions made in conflict with this Resolution are hereby repealed.

**Section 5.** This Resolution shall become effective immediately upon its adoption.

**THIS RESOLUTION APPROVED ON FIRST AND ONLY READING** this 14<sup>th</sup> day of December 2021 by the City Council of the City of South Daytona, Florida.

**CITY OF SOUTH DAYTONA, FLORIDA**

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William C. Hall, Mayor

ATTEST: \_\_\_\_\_  
James L. Gillis Jr, City Manager

APPROVED AS TO FORM AND LEGALITY:

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Wade Vose, City Attorney

**Exhibit "A" for Resolution 2021-32**

**Address: 1035 Sheri Blvd**

**Parcel ID#: 53441600140H**

Recorded 9/1/2011

O.R. Book 6627, Page 3863, Public Records of Volusia County, Florida

**Address: 1039 Sheri Blvd**

**Parcel ID#: 53441600140G**

Recorded 4/13/2010

O.R. Book 6465, Page 34, Public Records of Volusia County, Florida

**Address: 1079 Sheri Blvd**

**Parcel ID#: 534416001404**

Recorded 4/29/2010

O.R. Book 6470, Page 2121, Public Records of Volusia County, Florida

**Address: 1083 Sheri Blvd**

**Parcel ID#: 534416001403**

Recorded 1/21/2011

O.R. Book 6557, Page 104, Public Records of Volusia County, Florida

**Address: 1087 Sheri Blvd**

**Parcel ID#: 534416001401**

Recorded 1/21/2011

O.R. Book 6557, Page 98, Public Records of Volusia County, Florida

**Address: 1091 Sheri Blvd**

**Parcel ID#: 534416001412**

Recorded 4/29/2010

O.R. Book 6470, Page 2124, Public Records of Volusia County, Florida

**Address: 1092 Sheri Blvd**

**Parcel ID#: 534416001409**

Recorded 4/13/2010

O.R. Book 6465, Page 38, Public Records of Volusia County, Florida

**Address: 1090 Sheri Blvd**

**Parcel ID#: 534416001408**

Recorded 4/27/2010

O.R. Book 6469, Page 448, Public Records of Volusia County, Florida

**Address: 2450 S. Nova Road**

**Parcel ID#: 534416001406**

Recorded 4/13/2010

O.R. Book 6465, Page 36, Public Records of Volusia County, Florida