

City of South Daytona

Community Development Dept.

Post Office Box 214960 • South Daytona, FL 32121 • 386/322-3020 • FAX 386/322-3029



MEMORANDUM

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

From: John Dillard, Community Development Director

Date: February 6, 2019

Re: **Declaration of Surplus Property**

AGENDA ITEM
9H DATE 02/12/19

In June 2015, staff was directed to investigate the possibility of establishing a Quiet Zone for the City. A Quiet Zone is feasible if municipalities add Supplementary Safety Measures (SSM's) to crossings to compensate for the absence of train horns. In reviewing the Quiet Zone regulations, all of the City crossings could be easily addressed except the crossing on Ridge Boulevard. To meet the regulations without the expense of a 4-Quad Crossing Arms system, a re-alignment of Carmen Drive was proposed.

To achieve this re-alignment, a small sliver of additional right-of-way was needed to safely shift Carmen Drive to the east as it approached Ridge Boulevard. This additional right-of-way was purchased from the Sunshine Mall for \$8,600.

The project is now under review and the parcel is no longer necessary. Mr. Andy Clark, owner of the Sunshine Mall, has agreed to purchase the parcel back from the City for the same amount as the City's original purchase. Staff is requesting Council consideration of the attached Resolution, which will transfer ownership back to the original owner.

RESOLUTION NO. 19-05

A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA DECLARING A PARCEL OF REAL PROPERTY OWNED BY THE CITY AS SURPLUS; APPROVING NEGOTIATED SALE; APPROVING CITY PAYING CERTAIN CLOSING COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City acquired real property at the Sunshine Mall for improvements to implement a railroad quite zone; and

WHEREAS, recent discussions have indicated that the anticipated quite zone improvements are no longer needed at that location and therefore the real property acquired is no longer necessary; and

WHEREAS, the previous owner of the real property is prepared to buy the real property from the City at the same price that has been paid by the City to acquire the real property, which is \$5,396.50.

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

Section 1. The City Council hereby declares as surplus the real property with the legal description attached hereto marked as Attachment A, authorizes the sale of said real property to Riverwalk Plaza, LTD for \$5,396.50, waives any requirements to accept bids for the property and authorizing the City to pay standard seller closing costs. The City Manager is hereby authorized to execute a purchase and sale contract and all

necessary closing documents to effectuate the sale as approved above.

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. That 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 held in the City of South Daytona, Florida, on the _____ day of _____, 2019.

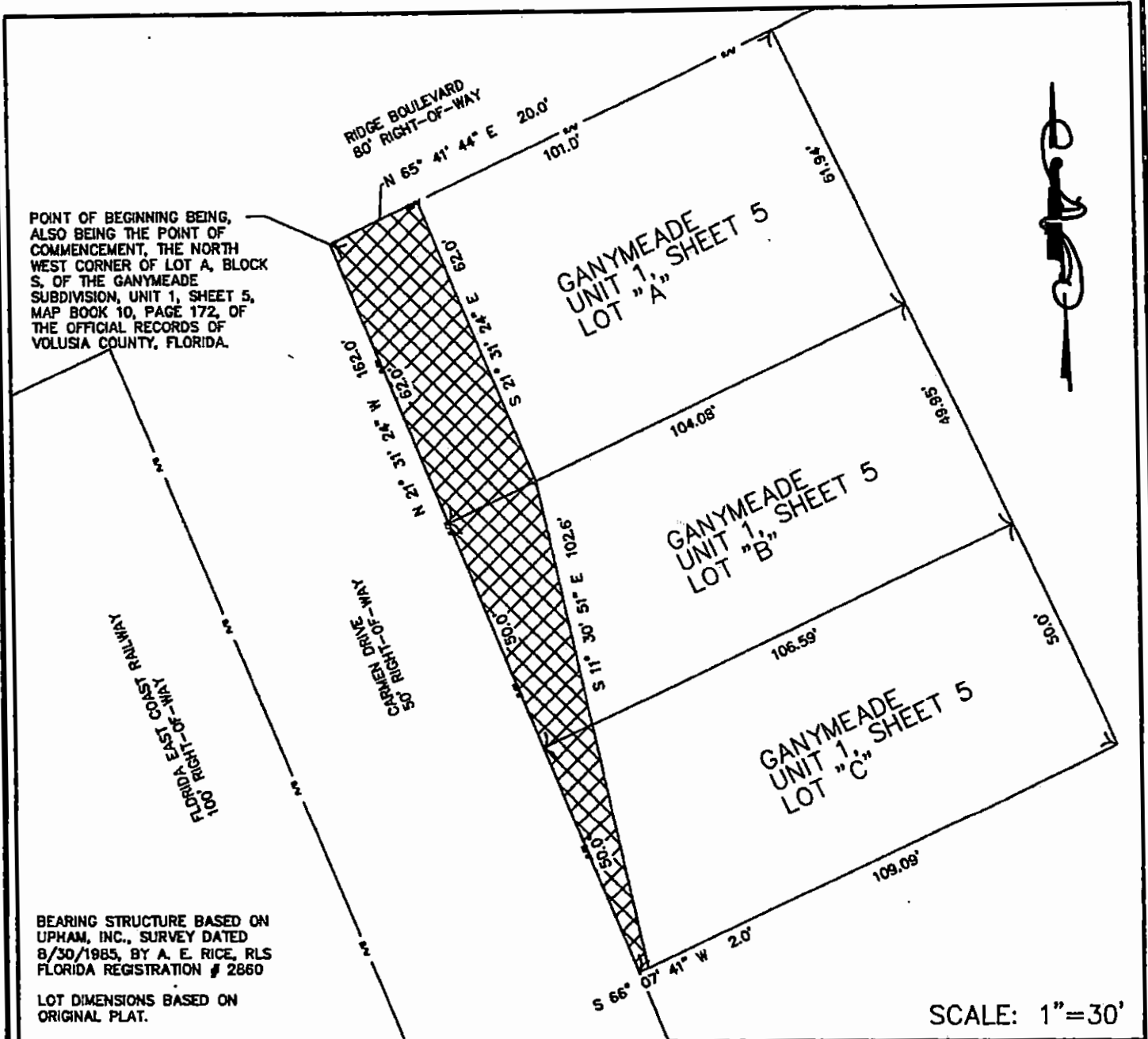
William C. Hall
Mayor

ATTEST:

James L. Gillis, Jr.
City Manager

ATTACHMENT "A"

LEGAL SURVEY FOR PROPOSED ADDITIONAL RIGHT-OF-WAY ALONG CARMEN DRIVE SOUTH OF THE INTERSECTION OF RIDGE BOULEVARD AND CARMEN DRIVE, SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA



LEGAL DESCRIPTION:

COMMENCING AT THE NORTH WEST CORNER OF LOT "A", BLOCK "S" OF THE GANYMEADE SUBDIVISION, THENCE NORTH 65° 41' 44" EAST A DISTANCE OF 20.0 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF RIDGE BOULEVARD, THENCE SOUTH 21° 31' 24" EAST A DISTANCE OF 62.0 FEET, THENCE SOUTH 11° 30' 51" EAST A DISTANCE OF 102.6 FEET TO A POINT, THENCE SOUTH 66° 07' 41" EAST A DISTANCE OF 2.0 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF CARMEN DRIVE. THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY A DISTANCE OF 162.0 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN VOLUSIA COUNTY, FLORIDA. SAID PARCEL CONTAINING 0.054 ACRES MORE OR LESS.