

# City of Deltona

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, NOVEMBER 3, 2014**  
**6:30 P.M.**

*Mayor*  
John Masiarczyk, Sr.

*Vice Mayor*  
Heidi Herzberg  
*District 3*

Zenaida Denizac  
*District 1*

Webster Barnaby  
*District 2*

Nancy Schleicher  
*District 4*

Anthony Bellizio  
*District 5*

Chris Nabicht  
*District 6*

*Acting City Manager*  
Dale Baker

**DELTONA COMMISSION CHAMBERS**  
**2345 PROVIDENCE BLVD.**  
**DELTONA, FLORIDA**

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**AGENDA**

1. **CALL TO ORDER:**
2. **ROLL CALL – CITY CLERK:**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Commissioner Schleicher - Rev. Dr. Mark Winkler, Emmaus Lutheran Church, Orange City.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes - Regular City Commission Meeting of October 20, 2014.**
  - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORT:**
  - A. **Presentation - Super Star Student of the Month Certificates for October 2014.**
  - B. **Presentation - Quarterly Reports of City Advisory**

**Boards/Committees.**

**6. PUBLIC FORUM - Citizen comments for any items.  
(4 minute maximum length)**

**CONSENT AGENDA:** All items marked with an ✱ will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission.

**7. CONSENT AGENDA:**

**8. ORDINANCES AND PUBLIC HEARINGS:**

- A. Public Hearing - Saxon Sterling Silver BPUD Final Plat Application (FP 14-003).**
- B. Ordinance No. 28-2014; Repealing Chapter 36, "Deltona Rental Regulatory License Ordinance," for first reading.**
- C. Public Hearing - Ordinance No. 31-2014, Adding Article VII, "Trap, Neuter, Release Program, of Chapter 14, "Animals", of the City's Code of Ordinances, relating to a one-year pilot program for trap, neuter and release of feral cats, at second and final reading.**

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

**11. CITY ATTORNEY COMMENTS:**

**12. CITY MANAGER COMMENTS:**

- A. Lobbyist Update.**

**13. CITY COMMISSION COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 11/3/2014  
**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 3 - A  
**SUBJECT:** Invocation Presented by Commissioner Schleicher - Rev. Dr. Mark Winkler,  
Emmaus Lutheran Church, Orange City.

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<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.
<b>ORIGINATING DEPARTMENT:</b>	City Manager's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Acting City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	N/A - Invocation Only.
<b>POTENTIAL MOTION:</b>	N/A - Invocation Only.
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 11/3/2014  
**FROM:** Dale Baker, Acting City Manager            **AGENDA ITEM:** 4 - A  
**SUBJECT:** Approval of Minutes - Regular City Commission Meeting of October 20, 2014.

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<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	N/A
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Clerk
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	City Clerk Joyce Raftery - To approve the minutes of the Regular City Commission Meeting of October 20, 2014.
<b>POTENTIAL MOTION:</b>	"I move to approve the minutes of the Regular City Commission Meeting of October 20, 2014."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Minutes of October 20, 2014</li></ul>

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, OCTOBER 20, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, October 20, 2014 at the  
2 City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3  
4 **1. CALL TO ORDER:**

5  
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9			
10	Mayor	John Masiarczyk	Present
11	Vice Mayor	Heidi Herzberg	Present
12	Commissioner	Webster Barnaby	Present
13	Commissioner	Anthony Bellizio	Present
14	Commissioner	Zenaida Denizac	Present
15	Commissioner	Chris Nabicht	Present
16	Commissioner	Nancy Schleicher	Present
17	Acting City Manager	Dale Baker	Present
18	City Attorney	Becky Vose	Present
19	City Clerk	Joyce Raftery	Present

20  
21 Also present: Planning and Development Services Director Chris Bowley; Acting Deputy City  
22 Manager Gerald Chancellor; Parks and Recreation Director Steve Moore; Fire Chief Rhame; and  
23 VCSO Captain Dave Brannon.

24  
25 **3. INVOCATION AND PLEDGE TO THE FLAG:**

26  
27 Silent Invocation Presented by Vice Mayor Herzberg – Jianna M. Green, 3<sup>rd</sup> year college student at  
28 Adventist University of Health Sciences majoring in Radiography & Nuclear Medicine.

29  
30 The National Anthem was sung by DeLand High School 9<sup>th</sup> Grader Ashley Leahy.

31  
32 **4. APPROVAL OF MINUTES & AGENDA:**

33  
34 **A. Minutes:**

35  
36 **1. Approval of Minutes – Regular City Commission Meeting of October 6, 2014.**

37  
38 **Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve the minutes**  
39 **of the Regular City Commission Meeting of October 6, 2014.**

40  
41 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
42 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
43 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

44  
45 **B. Additions or Deletions to Agenda:**

46  
47 **Vice Mayor Herzberg requested adding an update on the merger of the Volusia League of Cities**  
48 **and Volusia Council of Government (VLOC & VCOG), the Commission concurred and Mayor**  
49 **Masiarczyk stated it would be Item 5 – D and there will be another presentation that will be made**

1 **which will be Item 5 - C.**

2  
 3 **5. PRESENTATIONS/AWARDS/REPORTS:**

4  
 5 **A. Presentation by Florida Department of Transportation (FDOT) of the Volusia County**  
 6 **Transit Connector Study.**

7  
 8 Ms. Libertad Acosta-Anderson the FDOT Project Manager introduced the members of her team and  
 9 gave a brief presentation that included the study area, scope of services, tiered screening process,  
 10 Florida Department of Transportation's (FDOT) approach feeds into Federal Transit Administration  
 11 (FTA) process, public outreach objectives, project advisory group, public information materials, project  
 12 schedule, and FDOT contacts.

13  
 14 **B. Presentation – Quarterly Reports of City Advisory Boards/Committees.**

15  
 16 A written Quarterly Reports were submitted the Parks and Recreation Advisory Board and its Sub-  
 17 Committees for the third quarter of 2014.

18  
 19 **Motion by Commissioner Barnaby, seconded by Commissioner Bellizio to approve the Parks and**  
 20 **Recreation Advisory Board and its Sub-Committee's written reports.**

21  
 22 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 23 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
 24 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

25  
 26 **C. ADD-ON ITEM: Presentation by Denise White with Allstate and the Allstate Foundation.**

27  
 28 Denise White, DM White Insurance Agency, Allstate and the Allstate Foundation, 705 Cloverleaf  
 29 Blvd., thanked the City for its support for the victims of domestic and financial abuse in the community  
 30 and she gave a brief presentation that included one (1) in four (4) women being affected by domestic  
 31 violence, and the number one (1) reason victims stay or return to an abusive relationship is the lack of  
 32 financial resources. A purse represents the center of a woman's financial domain, purple is the national  
 33 color of domestic violence and she asked that everyone visit purplepurse.com for more information.  
 34 She presented a purple purse designed by Carrie Washington, a distinguished television star and fashion  
 35 designer, to Volusia County Councilwoman Patricia Northey. She stated there is hope and one (1) way  
 36 is for Councilwoman Northey to make it fashionable to talk about the issue and to help gain control.

37  
 38 Councilwoman Northey thanked Ms. White and she stated she is honored to accept the purple purse.  
 39 She stated domestic violence can happen to anyone and the problem is often overlooked, excused or  
 40 denied which is especially true when the abuse is psychological rather than physical. Noticing and  
 41 acknowledging the signs of an abusive relationship are the first steps to ending it and that nobody  
 42 should live in fear for the person they love. There is an emergency shelter in Volusia County which  
 43 offers temporary housing for victims of domestic violence and their children provided 24 hours a day,  
 44 every day. To access the shelter contact the crisis line at 386-255-2102 or 800-500-1119.

45  
 46 **D. ADD-ON ITEM: Update on the merger between the Volusia League of Cities and Volusia**  
 47 **Council of Government (Requested by Vice Mayor Herzberg).**

48  
 49 Vice Mayor Herzberg gave a brief update on the merger between the Volusia League of Cities (VLOC)  
 6  
 Item 4A

1 and Volusia Council of Governments (VCOG). She stated there was a special meeting two (2) weeks  
 2 ago and the transition team recommended that there be no merger and that VCOG be dissolved as of  
 3 December 31, 2014 and that the VLOC remain, which was accepted by all parties. This past week there  
 4 was an emergency meeting for the VLOC Executive Board who met with Marilyn Crotty with the  
 5 Florida Institute of Government, to facilitate the VLOC contract and she stated that the organization will  
 6 be a stronger, more purposeful organization from this point forward. She asked all the cities,  
 7 Commission members and Councilmembers to participate at the VLOC meetings. She also stated in  
 8 place of VCOG, Volusia County Manager Jim Dinneen is providing to all the cities use of the airport  
 9 for an elected officials round table which includes parking and lunch at no charge and there will be  
 10 monthly meetings after the dissolution of VCOG. Mr. Dinneen has also offered the VLOC Executive  
 11 Board the same facility and parking for a monthly meeting at no charge. She thanked Ormond Beach  
 12 Mayor Ed Kelley, Orange City Mayor Tom Laputka, DeLand Mayor Bob Apgar, Mayor Masiarczyk  
 13 for his foresight, County Councilmember Doug Daniels for his logic and strong voice, County Manager  
 14 Jim Dineen for going above and beyond, VLOC President Billy Wheeler for being instrumental,  
 15 Daytona Beach Commissioner Carl Lentz, South Daytona Commissioner Brandon Young, New  
 16 Smyrna Beach Commissioner Judy Reiker and Ponce Inlet Commissioner Tami Lewis.

17  
 18 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

19  
 20 a) Juan Cuellar, 3131 Roland Drive, stated he is a truck driver, there being a petition in the process  
 21 of being signed and he wants to see if truck drivers can have a place to park just the cab of the trucks  
 22 and not the trailers.

23  
 24 b) John Furlow, 5170 Roland Drive, stated he has more petitions to submit and he would like to  
 25 know when there would be a decision as to whether parking semi-trucks can be allowed somewhere in  
 26 the City.

27  
 28 Mayor Masiarczyk asked if the topic was scheduled for a workshop and Mr. Baker replied no. Mayor  
 29 Masiarczyk asked that the issue be scheduled for the next opening at a workshop.

30  
 31 Mr. Furlow stated that his girlfriend is handicap and he pulls up to the front door of his home so she can  
 32 get in and out of the vehicle and he was approach by a code officer that he could not do this and he  
 33 wanted to know if an ordinance needed to be changed that would allow him to do this.

34  
 35 c) Deborah Suitt-Green, 1531 Toluca Court, thanked the Commission and was glad that a color  
 36 was chosen for domestic violence to bring attention to problems that affect woman, she would like  
 37 pictures of all current and former volunteers placed around City Hall, she would like speed bumps on  
 38 Fason Circle, and if allowing semi-trucks to park in the City that they be parked by dark and gone by  
 39 sunset.

40  
 41 b) Howard Baxla, 2711 E. Canal Road, stated his sewer charges are 8.5 times more than his water  
 42 charges, he should not be charged for water that goes into the ground such as from watering his lawn or  
 43 washing his car, he pays the second highest taxes in Volusia County, he should only pay what is fair,  
 44 Deltona having low income and fixed income families, and the only thing that makes Deltona a City is  
 45 taxes, fines, fees and permits.

46  
 47 c) Kurt Collis, 2103 Marsh Road, stated he graduated from Trinity Christian School, he is the  
 48 founder of Kurt Collis Tennis Academy and Kurt Collis for Life, he has trained to play tennis

1 professionally for 11 years, he is the former director of tennis for the World Tennis Academy for  
2 Disney, over the past 11 years he has been running tennis programs in the west Volusia area and he  
3 would like to start one in Deltona. He explained that his company is about building self-esteem in kids  
4 and adults by life coaching through tennis to empower them with the courage to live life through their  
5 dreams, he started playing tennis to be a positive influence in kid's lives and he is grateful to come back  
6 to where he graduated high school and make a positive impact in the community. There will be an intro  
7 to Tennis Day on November 22<sup>nd</sup> at Wes Crile Park starting at 9:00 a.m. and there will be multiple  
8 classes throughout the day for kids ages 3 and older and he explained his program.

9  
10 Commissioner Denizac stated Mr. Collis was a student of hers back in 1987 and she thanked him for  
11 coming back and investing in Deltona.

12  
13 d) Robert O'Neal, 1571 Ferguson Avenue, stated he has an issue with City's code dealing with  
14 waterfront fencing, his house runs straight back before hitting water about 90 yards, there being a  
15 privacy fence on either side that runs to the water's edge, the adjacent properties not being kept up, he  
16 put up a privacy fence and code has stated he has to take the fence down. He explained the issues he  
17 has with his neighbor and he installed the fence to try to eliminate the problems he is having.

18  
19 e) Mike Williams, 2889 Cottageville Street, reminded everyone of the West Volusia branch of the  
20 NAACP's Meet the Candidates Forum this Friday at New Hope Baptist Church from 6:30 – 8:30 p.m.  
21 and will be a prepared question forum. He reminded everyone that on January 17<sup>th</sup> there will be the  
22 Martin Luther King (MLK) Breakfast at New Hope Baptist Church and Donald Brown will be the guest  
23 speaker who was in the 1987 graduating class with President Barrack Obama and First Lady Michelle  
24 Obama. He stated one of the things that shocked him to the core at the last meeting was the e-mail that  
25 the Human Resources Director sent out and he asked if the City could allow a public servant of the City  
26 to make negative comments about the City Commission. He stated this kind of behavior should not be  
27 done, he does not know what type of reprimand is going to take place, but he will stick around until the  
28 end of the meeting for the Acting City Manager's comments for an update of the situation. He stated he  
29 is thinking for running for Mayor at the next Mayoral election.

30  
31 f) Tom Dockery, 2749 Thornberry Court, stated he is concerned about vehicles being parked on  
32 sidewalks for the handicapped that have to go in the streets because of the cars parked on the sidewalks  
33 and it is very dangerous. He is also concerned with those residents with numerous cars in the driveway  
34 who park into the sidewalks.

35  
36 g) Fire Chief Rhame, stated there will be an Open House at Fire Station 65, the morning will start  
37 with a 5K run, at 11:00 a.m. a parade will go down Howland Blvd. from Deltona High School to Fire  
38 Station 65 which will include the Pink Heals national touring vehicles along with the City's pink fire  
39 truck, and all day long there will be several events going on and he named several of them. He sent out  
40 to all of the schools from Kindergarten to 3<sup>rd</sup> Grade, prior to visiting all the schools during Fire  
41 Prevention Week, the opportunity for the kids enter a coloring contest, at the Open House awards will  
42 be given out to the best coloring that demonstrates fire safety and he is hoping the winners can be  
43 acknowledged at a Commission meeting and possibly keep the pictures on display at City Hall for a  
44 period of time. He invited the Commission and everyone to come out for a good time.

45  
46 Mayor Masiarczyk stated November is Education Month and a letter was sent out to the schools to  
47 submit a banner or pennants to display on the dais. On November 8<sup>th</sup> is the Annual Veterans Ceremony  
48 which will take place at the Landmark Lodge on North Normandy Blvd., it is done every year and the

1 benefits will go to Deltona's Veterans Museum. Also, on November 8<sup>th</sup> the Florida Hospital in  
2 conjunction with Pine Ridge Fellowship Community Life Center is having a Deltona Wing Fest at Pine  
3 Ridge Fellowship Church and proceeds will go to Helping Hands and Community Life Organizations.

4  
5 Commissioner Nabicht thanked Fire Chief Rhame for bringing back the Open House activities,  
6 expanding the activities and bringing new ideas. The educational experience to the City's youth is so  
7 important when it comes to fire safety and he cannot thank Fire Chief Rhame for being proactive on the  
8 prevention side.

9  
10 Mayor Masiarczyk thanked the Boy Scout Troop for attending the meeting.

11  
12 **7. CONSENT AGENDA:** None.

13  
14 **8. ORDINANCES AND PUBLIC HEARINGS:**

15  
16 **A. Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at second and final**  
17 **reading.**

18  
19 City Attorney Vose stated Commissioner Barnaby requested to add a change on the 3<sup>rd</sup> page, under  
20 separation distances, at the last hearing there was discussion regarding having 500 feet from any  
21 church and whether it was from all churches or just free standing churches. She stated it would be  
22 better to use the term "house of worship" instead of "church" to be consistent with the rest of the  
23 City's Code.

24  
25 The Commission discussed the ordinance being discussed at a workshop to include the possible 500  
26 foot buffer for churches, adding the buffer to include churches would change the opportunities for  
27 medical dispensaries, the concern not falling on deaf ears, the State ordinance not being passed yet,  
28 the City needing the ordinance to be as tight as possible and to make changes after the State passes  
29 its ordinance, other cities within Florida passing ordinances that are more strict, out of 39 churches  
30 in the City only three (3) are in shopping centers or store fronts which are the ones that will have a  
31 problem, changing the language to "all free standing churches", if the church has a school the buffer  
32 is already covered under the ordinance, when differentiating between a church in a plaza or free  
33 standing church it is a slippery path, what is good for one (1) church being good for all churches,  
34 medical marijuana being a medically necessary narcotic, the sale of medical marijuana will  
35 potentially become a legal tax paying business within the City, interjection of moral values should  
36 not play a role on the dais, the ordinance being a placeholder as nobody knows whether the  
37 amendment is going to pass on election day, there being a lot of unanswered questions, the operating  
38 hours not being on Sunday which is when a lot of the churches will be meeting, in order to open one  
39 (1) of these businesses it needs to go before the Planning & Zoning Board, the ordinance serving as  
40 a doorway, gateway or a step to becoming an open marijuana town, many of the churches having  
41 Sunday and Saturday schools, the broad definition of "school" covering religious schools but not  
42 covering "Sunday" school, wanting language that would protect the City's children, and it being  
43 remiss of the Commission to not have language to protect the children.

44  
45 Mayor Masiarczyk opened the public hearing.

46  
47 Michael Putkowski, 2736 Courtland Blvd., stated many members of society that will benefit from  
48 medical marijuana which is for patients that are seriously ill, it is not for recreation, two (2) members

1 of his family died from prescription drugs provided by doctors, there not being too many people that  
 2 have died from marijuana, and the possible money that could be generated from this type of business  
 3 will go to other cities if Deltona does not accept it.

4  
 5 Thurston Smiley, 608 Saxon Blvd., stated he was at the workshop when the ordinance was  
 6 discussed, Larry Kent had done extensive research on the topic, he is against the 500 foot buffer, the  
 7 ordinance is not to make Deltona a marijuana City, to address the issue with dispensaries, the tax  
 8 benefits for Deltona are going to be astronomical with 80% of the revenues going back into the  
 9 community, and he spoke about his work with several organizations.

10  
 11 Julie Tirado, 1450 Randolph Street, stated his granddaughter overdosed on prescription drugs,  
 12 medical marijuana being for seriously ill patients, it is up to the parents to teach and instruct their  
 13 children right from wrong, and this being a big tax benefit to the City.

14  
 15 Mayor Masiarczyk closed the public hearing.

16  
 17 Commissioner Barnaby stated he is not opposed to anyone receiving medication for an illness  
 18 including marijuana, but he is against a product that will harm or hurt the children of the City as a  
 19 result of the law of unintended consequences. He spoke about the State of Colorado and California  
 20 who have legalized medical marijuana, he wants economic prosperity, he questioned if medical  
 21 marijuana is such a good product why is it not sold at local drugstores, if he has to be the lone  
 22 descending voice then so be it, and that leader is the absence of consensus.

23  
 24 Commissioner Nabicht stated he has worked for 31 years in law enforcement and on the fire  
 25 department, there are much worse drugs than marijuana, and the City Attorney did a good job of  
 26 drafting the ordinance at first reading to protect the young and elderly within the City.

27  
 28 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**  
 29 **Ordinance No. 10-2014, at second and final reading as it was originally approved at first**  
 30 **reading.**

31  
 32 City Attorney Becky Vose read the title of Ordinance No. 10-2014.

33  
 34 **AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF DELTONA,**  
 35 **FLORIDA, CREATING A NEW ARTICLE XIV, "MEDICAL MARIJUANA**  
 36 **DISPENSARIES"; TO ALLOW MEDICAL MARIJUANA DISPENSARIES AS A**  
 37 **CONDITIONAL USE IN THE C-1, C-2 AND C-3 ZONING CATEGORIES; BY SETTING**  
 38 **FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA**  
 39 **DISPENSARIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION,**  
 40 **AND AN EFFECTIVE DATE.**

41  
 42 **Motion carried unanimously with members voting as follows:**

44	<b>Commissioner Barnaby</b>	<b>Against</b>
45	<b>Commissioner Bellizio</b>	<b>For</b>
46	<b>Commissioner Denizac</b>	<b>Against</b>
47	<b>Commissioner Nabicht</b>	<b>For</b>
48	<b>Commissioner Schleicher</b>	<b>For</b>

1           **Vice Mayor Herzberg**                   **For**  
 2           **Mayor Masiarczyk**                   **For**

3  
 4 Ordinance No. 10-2014 was adopted at 7:50 p.m.  
 5

6 **B. Public Hearing - Ordinance No. 26-2014, Residential Prison Diversion Program, at**  
 7 **second and final reading.**  
 8

9 Mayor Masiarczyk opened the public hearing.  
 10

11 Debbie Spina, 1879 Joyner Drive, asked if this is the same as the Residential Drug Treatment Program  
 12 and City Attorney Vose replied no, but this would prohibit programs that are “prison diversion  
 13 programs”. When they attach the drug treatment program to it they try to get it into a protected class  
 14 situation and this ordinance will prevent that from happening.  
 15

16 Ms. Spina stated six (6) Commissioners where not in office about 10 years ago when Stewart-  
 17 Marchman tried to come in the City and the group that got it stopped, trouble follows these type of  
 18 people, and her concern is putting these programs in “certain areas” of the City. Mayor Masiarczyk  
 19 replied a group can come in to the City and buy a home to have up six (6) people living in it and this  
 20 ordinance is to stop this, but the City cannot just deny such a request. City Attorney Vose replied the  
 21 ordinance makes it so the group would have to build a facility in a commercial area which would be  
 22 extremely costly and would not make enough money by doing so.  
 23

24 Mayor Masiarczyk closed the public hearing.  
 25

26 Commissioner Barnaby stated this type of ordinance is what he was trying to do with the medical  
 27 marijuana dispensaries and he would like to make the language in such a way that it will be extremely  
 28 hard to set-up the operation.  
 29

30 Commissioner Bellizio stated he believes the resident who spoke was asking if the ordinance goes far  
 31 enough to prevent these types of businesses from coming into the City, the Commission had similar  
 32 questions during the workshop and the ordinance is far reaching.  
 33

34 Vice Mayor Herzberg suggested in Section 99, Distance Requirements, to add “houses of worship”  
 35 instead of “church” as was done with the previous ordinance.  
 36

37 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve Ordinance**  
 38 **No. 26-2014, the Residential Prison Diversion Program, at second and final reading with the**  
 39 **addition of a 1,000 foot buffer placed in Section 99.3 of location, add 1,000 foot buffer around**  
 40 **all “houses of worship”.**  
 41

42 City Attorney Becky Vose read the title of Ordinance No. 26-2014.  
 43

44 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA AMENDING THE DELTONA**  
 45 **CODE OF ORDINANCES BY THE CREATION OF CHAPTER 99, RESIDENTIAL**  
 46 **PRISON DIVERSION PROGRAMS; PROVIDING REGULATIONS FOR THE LOCATION**  
 47 **AND OPERATION OF RESIDENTIAL PRISON DIVERSION PROGRAMS; PROVIDING**  
 48 **REQUIREMENTS FOR ISSUANCE OF A RESIDENTIAL PRISON DIVERSION**

1 **PROGRAM REGULATORY LICENSE; PROVIDING FOR CONFLICTING PROVISIONS,**  
 2 **SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

3  
 4 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 5 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
 6 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

7  
 8 Ordinance No. 26-2014 was adopted at 8:00 p.m.

9  
 10 **C. Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory**  
 11 **Uses and Structures, pertaining to Shed Design Standards; at second and final reading.**

12  
 13 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

14  
 15 **Motion by Commissioner Barnaby, seconded by Vice Mayor Herzberg to approve Ordinance**  
 16 **No. 27-2014, at second and final reading.**

17  
 18 City Attorney Becky Vose read the title of Ordinance No. 27-2014.

19  
 20 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SUBSECTION**  
 21 **(C), DESIGN STANDARDS, OF SECTION 110-827, ACCESSORY USES AND**  
 22 **STRUCTURES, OF ARTICLE VIII, SUPPLEMENTARY REGULATIONS, OF CHAPTER**  
 23 **110, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA,**  
 24 **AMENDING THE DESIGN STANDARDS FOR SHEDS; PROVIDING FOR**  
 25 **CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**

26  
 27 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
 28 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
 29 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

30  
 31 Ordinance No. 27-2014 was adopted at 8:02 p.m.

32  
 33 Mayor Masiarczyk called for a recess at 8:02 p.m. and reconvened at 8:12 p.m.

34  
 35 **D. Public Hearing – Ordinance No. 31-2014, Adding Article VII, “Trap, Neuter, Release**  
 36 **Program, of Chapter 14, “Animal”, of the City’s Code of Ordinances, relating to a one-year pilot**  
 37 **program for trap, neuter and release of feral cats, for first reading.**

38  
 39 Mayor Masiarczyk opened the public hearing.

40  
 41 Michael Putkowski, 2736 Courtland Blvd., stated it has been two (2) weeks since this topic was  
 42 originally brought up, at the last workshop there was a proposed amendment to this issue on homeless  
 43 cats, there have been several times the human homeless population in the City has been brought up,  
 44 New Hope Baptist Church feeds hundreds of homeless and he would like to see the same amount of  
 45 help and speed for the human homeless.

46  
 47 Denny Groseclose, 1601 Ace Park Dr., Orange City, stated he would of liked to have known about the  
 48 workshop regarding this issue, he provided some information to the City Clerk on feral cats and the

1 program, he is on the board at Cassadaga who has a cat problem, he attended a workshop in  
2 Washington, D.C. with an organization called Alley Cats which is a great resource, Port Orange did a  
3 study that it is more cost efficient to trap, neuter and release than trap and euthanize, he encouraged the  
4 Commission to pass the Ordinance, he has been doing the program for six (6) months and it has worked  
5 well and he explained the process.

6  
7 Mayor Masiarczyk closed the public hearing.

8  
9 Vice Mayor Herzberg stated to answer Mr. Putkowski's concern, an area in Deltona has been provided  
10 a grant for a specific zip code has been awarded a two (2) year grant through the Halifax Humane  
11 Society to fix about 600 cats.

12  
13 Commissioner Bellizio stated resolution to this issue is one that is favorable as opposed to the  
14 alternative solutions, he received e-mails from residents regarding the program which he had never  
15 heard of and this is a good example of how the public helped local government by providing a lot of  
16 information to put the City on a path to resolve the issue.

17  
18 Mayor Masiarczyk stated the homelessness problem is a big issue that is being worked on in the County  
19 right now and will be addressed around the first of the year, the Vice Mayor has been champion this  
20 issue for a while and he is hoping Mr. Groseclose will offer his expertise to staff.

21  
22 Smiley Thurston, 608 Saxon Blvd., suggested finding land in Deltona as a feral cat colony area, people  
23 can go by and feed them, and he has not heard of any other City having a feral cat reserve, but it has  
24 been done for Goffer Turtles and Scrub Jays.

25  
26 Julie Tirado, 1450 Randolph Street, stated she, along with others, have fixed 159 cats and released  
27 them, the City should be able to do a lot more, this would be beneficial for the City, she liked the idea of  
28 having a feral cat colony and New Hope Baptist Church does feed the homeless, but the animals do not  
29 have a voice.

30  
31 Carol Canfield, 235 Colburn Dr., Debary, stated she works with animal control, she works with  
32 different Veterinarians, has fixed 300 feral cats, the program is wonderful and needed, and if the  
33 Commission does not understand they should take to those in the trenches.

34  
35 Harry Cappola, 1311 Harley Ave., stated he has lived in four (4) different States in his 40 years and  
36 every State has the problem, people do not want to pay for an animal license or to get them spayed and  
37 neutered and needing to attack the problem with the people who are not responsible animal owners.

38  
39 Valerie 2625 Treehaven Dr., stated lived in Deltona all her life and cats have always been a problem,  
40 cats are constantly being hit by cars, saving one (1) cat can make a difference, the TNR program is a  
41 great program, the ear of the cat has been clipped so people can noticeably tell if the cat has been treat  
42 and it being expensive to get the cats fixed.

43  
44 Mayor Masiarczyk closed the public hearing.

45  
46 **Motion by Vice Mayor Herzberg, seconded by Commissioner Bellizio to adopt Ordinance No.**  
47 **31-2014, at first reading and to schedule second and final reading for November 3, 2014.**

1 City Attorney Becky Vose read the title of Ordinance No. 31-2014.

2  
3 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING ARTICLE VII,**  
4 **“TRAP, NEUTER, RELEASE PROGRAM, OF CHAPTER 14, “ANIMALS”, PROVIDING**  
5 **FOR A ONE YEAR PILOT PROGRAM FOR TRAP, NEUTER AND RELEASE OF FERAL**  
6 **CATS, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

7  
8 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
9 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**  
10 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

11  
12 Ordinance No. 31-2014 was adopted at 8:31 p.m.

13  
14 **9. OLD BUSINESS:** None.

15  
16 **10. NEW BUSINESS:**

17  
18 **A. Request for approval of Facility Use Agreement for Healthy Start Coalition of Flagler and**  
19 **Volusia Counties, Inc. for Use of the classroom at Deltona City Hall.**

20  
21 Mayor Masiarczyk opened the public hearing.

22  
23 Mitch Honaker, 2551 Sweet Springs St., stated this will set a precedence, the organization does a lot  
24 of good things, but this will open the doors to other non-profit organizations, the Commission is  
25 stewards of the budget, the organization is asking for fees to be waived at a cost of approximately  
26 \$40,000 a year and a possible solution may be to have the Commissioner in the Howland Blvd. area  
27 where there are several suites available contact Swan Associates to broker a deal.

28  
29 Smiley Thurston, 608 Saxon Blvd., stated he researched the organization but could not find how  
30 long the organization had been using the Community Center, Mr. Honaker suggested a good location  
31 for the organization and there should be some kind of fee as the organization is not a new one.

32  
33 Mayor Masiarczyk closed the public hearing.

34  
35 The Commission discussed not knowing why there was opposition to this item, City Hall being built  
36 for the residents of Deltona, in the past there being opposition for an awards dinner to be held in the  
37 Commission Chambers, the organization being in a partnership with Deltona, the services being  
38 needed, the Commission choosing to use some of the classrooms for storage, the organization is  
39 about providing unborn children and the parents of unborn children the services that are needed, the  
40 City being under served by the community by pediatrics and obstetrics, the organization provides  
41 essential services and save lives, children die from not having cribs which this agency provides, the  
42 agency provides guidance to teen mothers and their parents, this just moves the organization from  
43 one (1) City building to another City building and City Hall is an ideal location which has a bus stop.

44  
45 **Motion by Commissioner Barnaby, seconded by Vice Mayor Herzberg to approve the Facility**  
46 **Use Agreement for Healthy Start Coalition of Flagler and Volusia Counties, Inc., for the use of**  
47 **the Classroom at Deltona City Hall be approved.**

1 Commissioner Bellizio stated he works for and has been working with non-profit organizations, it is  
 2 politically hard to say no to something like this, however, keep in mind once this is done the  
 3 Commission will either approve or deny other non-profit organizations in the future.  
 4

5 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;  
 6 Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;  
 7 Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**  
 8

9 **11. CITY ATTORNEY COMMENTS:** None.  
 10

11 **12. CITY MANAGER COMMENTS:** None.  
 12

13 **A. Lobbyist Update:** None.  
 14

15 **13. CITY COMMISSION COMMENTS:**  
 16

17 a) Commissioner Bellizio stated as the General Election gets closer people evolve into a being that  
 18 has no rational, common sense or foresight. He is tired of seeing campaign signs and commercials and  
 19 cannot wait for November 4<sup>th</sup>. What he has noticed, especially in Volusia County is where the  
 20 candidates come from. He has been bothered by the quality of candidates on all levels and he urged the  
 21 public to be particular of who it supports or votes for.  
 22

23 b) Commissioner Schleicher stated it is up to the voters to do its research, there will be two (2)  
 24 candidate forums, one (1) on October 22<sup>nd</sup>, at 5:30 p.m. at Dickerson Library in Orange City and the  
 25 other at New Hope Baptist Church in Deltona. Both forums will be important to hear for yourselves to  
 26 make a decision which is everyone's individual choice. Thanked those who helped support the passing  
 27 of the medical marijuana ordinance which can be amended and that it is easier to amend an ordinance  
 28 than to construct one. The prison ordinance is an indication of how lucky the City is to have a "law  
 29 firm" because without the Vose Law Firm the City may not have known to get ahead of the issue. She  
 30 wished everyone a Happy Halloween and hoped to see them at the Spooktacular event.  
 31

32 c) Commissioner Nabicht stated this week the Volusia County Sheriff's Office (VCSO) came  
 33 through for the City once again. The community for several weeks had been terrorized by a group of  
 34 individuals who thought they could go into businesses to steal/rob and one (1) incident resulted in a  
 35 pistol whipping of a manager. Due to the combined efforts of several law enforcement agencies, a lot  
 36 of man power and a lot of hours, the individuals were taken off the street and hopefully the individuals  
 37 will receive the full "wrath" of the criminal justice system. He continues to hear through e-mails,  
 38 complaints about code enforcement which is a necessary evil in the City and brought on by many  
 39 generations of Commissioners and the constant "changing of the tide" of what is popular at the time and  
 40 he asked that Mr. Baker work with the code enforcement officers to massage the conversations,  
 41 customer service friendly as possible, with residents. He has worked with code officers and it takes a  
 42 special type of individual to effectively persuade the violator to corrective action. To the gentlemen  
 43 who have stayed in the back of the Commission Chambers regarding parking semi-trucks in the City, he  
 44 pledged to them that the topic will be placed on a workshop per the Mayor's request, it is an issue, but  
 45 he believes there is enough talent between their profession, staff and the Commission to be able to come  
 46 to a resolution that will make everyone happy. He thanked them for staying for the entire meeting and  
 47 he will work with them on a solution and he is going to try to make every effort to work with them.  
 48

1 d) Commissioner Denizac stated everyone has been hearing about a post on her private Facebook  
2 page and she read the post. The post was done on October 1<sup>st</sup>, Commissioner Nabicht cut and pasted  
3 the post on his Facebook to try and create an uproar and chaos and tried to politicize something that is  
4 dear to her. She stated Commissioner Schleicher, a former teacher, wasted no time on getting on that  
5 “bandwagon” to attack her politically because that is the only intension. Not once did anyone contact  
6 her about the post and ask how her mother is doing. So much for being team players, Commissioner  
7 Schleicher campaigned on “getting along” and having “respect on the Commission” and she had no  
8 respect for her personal feelings. She read minutes from March 18, 2013, after discussion the  
9 Commission voted 6 to 1 with Commissioner Nabicht voting against the motion to grant the request on  
10 behalf of the American Cancer Society to waive all fees associated for the 2013 Annual Relay For Life  
11 event.

12  
13 e) Commissioner Barnaby stated he is deeply moved by his colleagues comments tonight, he  
14 thanked the young lady who did the invocation tonight because it is important to maintain the unity of  
15 the spirit in the bond of peace, it is important that the Commission try to be peacemakers, he has  
16 evaluated the City, walked the halls and it is still his opinion that leadership is a very important  
17 necessity for moving the City forward. He stated he has worked for an organization for 20 years as a  
18 Legislative Representative and 20 year veteran of the National Write Your Congressman and his  
19 mission has been to encourage responsible Americans to use their influence in government to preserve  
20 the freedoms set forth by the founding fathers. There are 320 million Americans in this nation, but not  
21 all are responsible, Deltona is a City of 87,000 people which less than 1% are present in the room this  
22 evening. He has often cautioned that government is not reason, but becomes force and becomes a  
23 dangerous servant and a fearful master. Two weeks ago an example of leadership was presented to the  
24 Commission in the form of an e-mail that the Acting City Manager was asked to investigate as it relates  
25 to a Director, it was brought up by Mr. Williams and he asked if Mr. Baker would comment on the  
26 investigation and if he intends to look at the public files of the individual who sent the e-mail as it  
27 relates to their conduct and public service to the City. It is important that the Commission as public  
28 officials have the right people on board at the City to move the City forward. He would like to see a  
29 time in the City when there are employees that are passionate of the City and that reflect the complete  
30 makeup of the City. The City is lacking in many areas in terms of balance of the population, in  
31 leadership, the City needs better representation of leadership, there is a need for African Americans and  
32 Latinos in leadership positions which is unacceptable and staff needs to be more aggressive in seeking,  
33 hiring and promoting these types of individuals that will reflect Deltona’s society as a whole.

34  
35 f) Vice Mayor Herzberg stated last week was the River of Lakes Heritage Corridor DVD showing  
36 and she suggested that it be shown at a workshop or on DTV which is a tourism booster. What just  
37 happened here is a result of being a public figure and all who chose to be a public figure have or choose  
38 that job are open to their lives scrutinized. There have been incidences where people have looked at,  
39 commented on, and pictures taken of elected officials. It is a byproduct of society where social media  
40 and instantaneous knowledge and passing of information are a click away. Unfortunately, it is hurtful,  
41 demeaning sometimes and sad sometimes. She is sad that it had to happen across the board and to  
42 Commissioner Denizac and everyone else that got caught up in something like that. Ever since she was  
43 elected she has tried to be unified, kind and friendly to everyone one. The Commission cannot talk or  
44 reach out to each other outside the Sunshine Law.

45  
46 g) Mayor Masiarczyk stated Enterprise Preservation Society had an opening in the museum, he was  
47 lucky enough about three (3) years ago to be given items out of the old Thornby home which he kept  
48 until the museum opened and provided to them on Saturday. The semi-truck issue is a hard one, but

1 there ought to be able something worked out. The big issue coming up, most cities cannot reimburse  
2 organizations for VCSO fees for events such as the Little League Parade, the group cannot afford to pay  
3 the VCSO and is an unintended consequence of what was done. Also, Mrs. Suitt-Green brought it up to  
4 have pictures of the volunteers displayed around the City, the City does an annual volunteer  
5 appreciation luncheon, but Community Information Specialist Wendi Jackson can take pictures of  
6 volunteers, the boards and committees, staff can find a standard frame and hang the pictures up. He  
7 received a phone call about the Ebola virus and he called Fire Chief Rhame and Florida Hospital  
8 regarding who assured him that all the equipment is on hand to take care of the residents if necessary  
9 and the Emergency Operations Center (EOC) in Daytona is also prepared to handle any emergency.

10  
11 Commissioner Barnaby asked that Mr. Baker respond to his request and Mr. Baker replied the issue is  
12 still under investigation, there are a couple of people he still needs to talk to and until the people return  
13 to work he is not able to provide a completed report. Commissioner Denizac asked if Mr. Baker had a  
14 time line and Mr. Baker replied no, the person is out on sick leave and he does not know when he will  
15 return. Mayor Masiarczyk asked that Mr. Baker provide the Commission with an update at the next  
16 meeting and keep the Commission updated.

17  
18 **14. ADJOURNMENT:**

19  
20 There being no further business, the meeting adjourned at 9:19 p.m.

21  
22  
23  
24  
25  
26 

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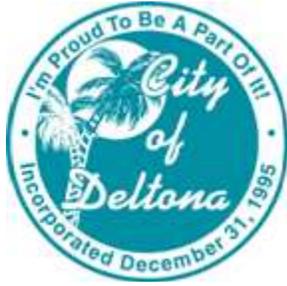
**John Masiarczyk Sr., Mayor**

27  
28  
29 **ATTEST:**

30  
31  
32 

---

**Joyce Raftery, CMC, City Clerk**  
33



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 11/3/2014  
**FROM:** Dale Baker, Acting City Manager            **AGENDA ITEM:** 5 - A  
**SUBJECT:** Presentation - Super Star Student of the Month Certificates for October 2014.

**LOCATION:**

N/A

**BACKGROUND:**

Superstar Student of the Month awards for October 2014, will be presented to:

1. Deltona Lakes Elementary, Joshua Figueroa Bonilla, 4<sup>th</sup> Grade
2. Enterprise Elementary, Dhruvi Patel, 5<sup>th</sup> Grade
3. Friendship Elementary, Aracelis Manosalvas, 5<sup>th</sup> Grade
4. Pride Elementary, Kristoffer Barnes, 5<sup>th</sup> Grade
5. Spirit Elementary, Rihanna Wint, 3<sup>rd</sup> Grade
6. Sunrise Elementary, Luke Motley, 4<sup>th</sup> Grade
7. Timbercrest Elementary, Brianna Valle, 5<sup>th</sup> Grade
8. Deltona Middle, Renaiya Fayson, 7<sup>th</sup> Grade
9. Galaxy Middle, Dayne Ford, 8<sup>th</sup> Grade
10. Heritage Middle, Caitlin Blackburn, 7<sup>th</sup> Grade
11. Deltona High, Tinesha McCrae, 11<sup>th</sup> Grade

**ORIGINATING DEPARTMENT:**

Deputy City Manager

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Clerk

**STAFF RECOMMENDATION PRESENTED BY:**

N/A - Presentation Only.

**POTENTIAL MOTION:**

N/A - Presentation Only.

**AGENDA ITEM  
APPROVED BY:**

---

Dale Baker, Acting City Manager

**ATTACHMENTS:**

- Super Star Achievements Oct 2014

**Super Star Students Read File – October 2014 presented on November 3, 2014.**

Teacher	School	Student	Grade	Reading Comments on Student Achievements
Miss Ashley Broughton	Deltona Lakes Elementary	Joshua Figueroa Bonilla	4th	<p>Joshua Figueroa Bonilla, a 4<sup>th</sup> grade student at Deltona Lakes Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Academic excellence; Joshua is always turning in his homework and classwork. He tries to achieve at the highest level for everything. He is great with doing his best and never giving up.</li> <li>• Responsibility; he always comes to class prepared with the materials he needs. He is always a student his teacher can count on for anything whether it be academic or teacher helper.</li> <li>• Joshua is a very polite young man. He always uses his manners when addressing people; whether an adult or a student. He is very caring and is always trying to make others feel better.</li> </ul>
Ms. Marjorie Henderson	Enterprise Elementary	Dhruvi Patel	5th	<p>Dhruvi Patel, a 5<sup>th</sup> grade student at Enterprise Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• She is a safety patrol that takes her post very seriously.</li> <li>• She is trustworthy and honest.</li> <li>• She is kind, pleasant, and works well with anyone she is paired up with.</li> <li>• She puts forth her best effort on all assessments and assignments.</li> <li>• She has a good sense of humor.</li> </ul>

Mrs. May	Friendship Elementary	Aracelis Manosalvas	5th	<p>Aracelis Manosalvas, a 5<sup>th</sup> grade student from Friendship Elementary, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Academic excellence; she is an A student and is very thorough in her work.</li> <li>• She is responsible; she is our school's Patrol Captain and extremely reliable.</li> <li>• Aracelis is an active member of National Elementary Honor Society.</li> <li>• Aracelis can be depended upon to assist others - whether teachers or students.</li> </ul>
Mr. Churms	Pride Elementary	Kristoffer Barnes	5th	<p>Kristoffer Barnes, a 5<sup>th</sup> grade student at Pride Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Kristoffer is extremely responsible.</li> <li>• He is an excellent role model and a safety patrol at our school.</li> <li>• Kristoffer's efforts and his attitude toward academics make me very proud.</li> </ul>
Mrs. Gaetjens	Spirit Elementary	Rihanna Wint	3rd	<p>Rihanna Wint, a 3<sup>rd</sup> grade student at Spirit Elementary, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Superior academics and excellent study skills.</li> <li>• She demonstrates a deep love for reading and always puts 100 percent effort in her class work.</li> <li>• Rihanna is very helpful to her teacher. She is always kind to her classmates and is at all times willing to help a friend in need.</li> <li>• It is refreshing to work with a student like Rihanna, who makes a superior effort to be successful and responsible.</li> </ul>

Mrs. Hernandez	Sunrise Elementary	Luke Motley	4th	<p>Luke Motley, a 4<sup>th</sup> grade student from Sunrise Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Being a role model student displaying our Life Long Guidelines of trustworthiness, truthfulness, active listening, doing his personal best &amp; no put downs.</li> <li>• Demonstrates self-control and appropriate responses to all classroom and school situations.</li> <li>• Displays academic study skills that have helped him become a successful 4<sup>th</sup> grader.</li> </ul>
Ms. Ossler	Timbercrest Elementary	Brianna Valle	5th	<p>Brianna Valle, a 5<sup>th</sup> grade student from Timbercrest Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Brianna has already received 2 positive referrals this year.</li> <li>• She is a role model for others.</li> <li>• Brianna is a hard worker.</li> <li>• She is kind, helpful, and takes pride in her work.</li> </ul>

Deltona Middle	Deltona Middle	Renaiya Fayson	7th	<p>Renaiya Fayson, a 7<sup>th</sup> grade student from Deltona Middle School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Renaiya is a wonderful student that displays all the attributes of a good citizen.</li> <li>• She is a model student, a kind-hearted person and shows responsibility beyond her years.</li> <li>• Renaiya is dedicated to her schoolwork, currently earning a 3.7 GPA.</li> <li>• Every day she comes in with a smile, ready to learn.</li> <li>• Through her positive attitude, she is an encouragement and leader to her peers.</li> <li>• Renaiya is a leader that strives for her best in all efforts.</li> <li>• She is truly a super star “Charger.”</li> </ul>
Mrs. Taylor	Galaxy Middle	Dayne Ford	8th	<p>Dayne Ford, an 8<sup>th</sup> grade student from Galaxy Middle School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Academic excellence and excellent study skills. Even with new and challenging curriculum she maintains excellent grades.</li> <li>• She is responsible and an excellent help to her teachers and peers when asked.</li> <li>• She is very respectful and polite to everyone on our campus.</li> <li>• She always steps up happily and rises to the occasion when something before her may be difficult.</li> </ul>

Mrs. Scully	Heritage Middle	Caitlin Blackburn	7th	<p>Caitlin Blackburn, a 7<sup>th</sup> grade student from Heritage Middle School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Caitlin is a star performer on the alto saxophone.</li> <li>• She has risen from beginning band last year to become principle chair saxophone in the Symphonic Band beating out other 7<sup>th</sup> and 8<sup>th</sup> graders.</li> <li>• She is a straight A student who also plays the piano, is an avid reader, and an excellent role model for all of her peers.</li> <li>• Caitlin is a fantastic and positive student that is eager to do well.</li> <li>• She is bright and creative, as well as being a very uniquely caring young adult.</li> </ul>
Mrs. Teresa Snyder	Deltona High	Tinesha McCrae	11th	<p>Tinesha McCrae, an 11<sup>th</sup> grade student from Deltona High School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> <li>• Tinesha was Sophomore Class President last year.</li> <li>• She is HOSA President this year (Health Academy).</li> <li>• Tinesha serves on the District Calendar Committee (Student Representative).</li> <li>• She is a Member of Health Academy, Superintendent's Diploma of Distinction Program, volunteers at Timbercrest Elementary Extended Day Program and United Methodist Home and Children's Closet.</li> </ul>

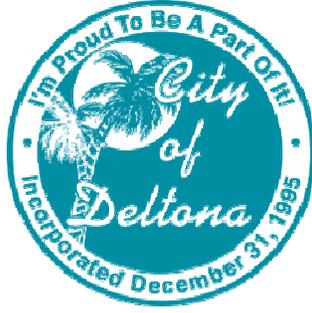


## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 11/3/2014  
**FROM:** Dale Baker, Acting City Manager              **AGENDA ITEM:** 5 - B  
**SUBJECT:** Presentation - Quarterly Reports of City Advisory Boards/Committees.

---

<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	Quarterly Reports of City Advisory Boards/Committees:  1) Economic Development Advisory Board - (Presented by Chairman, Rick Demeter)  2) Planning and Zoning Board - (Written Report Only)  3) Firefighters' Pension Plan, Board of Trustees - (Presented by Plan Administrator, Lisa Spriggs)
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Clerk
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	N/A Presentation Only.
<b>POTENTIAL MOTION:</b>	N/A Presentation Only.
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Deltona Economic Development Advisory Board - 3rd Quarter 2014</li><li>• Planning and Zoning Advisory Board - 3rd Quarter 2014</li><li>• Firefighter's Pension Board - 3rd Quarter 2014</li></ul>



## **DELTONA ECONOMIC DEVELOPMENT ADVISORY BOARD**

**Q3, 2014**

**Quarterly Report to Deltona City Commission**

**November 3, 2014**

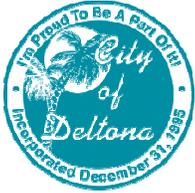
**by: Rick Demeter, DEDAB Chairperson**

-----0-----

**Educational & Medical Research Sub-Committee**

**---and---**

**Commerce Park & Performing Arts/Historical Facility  
Research Sub-Committee**



## DELTONA ECONOMIC DEVELOPMENT ADVISORY BOARD

### Commerce Park & Performing Arts/Historical Facility Research Sub-Committee

#### Quarterly Report to DEDAB, Q3, 2014

#### ASSIGNMENTS / TASKS

This DEDAB Sub-Committee was created on August 15, 2011, and assigned the task of performing the advisory role for DEDAB. The Sub-Committee will continue its Commission-assigned task, and will report quarterly on progress made.

#### COMMERCE PARK & PERFORMING ARTS/HISTORICAL FACILITY RESEARCH SUB-COMMITTEE MISSION STATEMENT

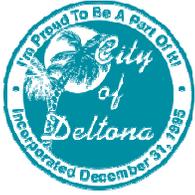
**Identify and approach, meet and obtain ideas from each area stakeholder and utilize these ideas toward the proposal for a workable "business, industrial, commerce park concept" and a "performing arts and historical facility".**

#### GENERAL REPORT

This Sub-Committee meets on the second Friday of each month, in the Second Floor Conference Room at Deltona City Hall. The meetings start at 3:30 P.M. and are scheduled to last one hour. Meetings are open to the public and public participation is encouraged.

The Deltona Economic Development Advisory Board met on July 8, 2014 and selected Tanya Boggs, DEDAB member in good standing, as the new DEDAB Commerce Park & Performing Arts and Historical Facility Research Sub-committee Chairperson. Ms. Boggs took that seat during the July 11, 2014 regular Sub-committee meeting.

- The DEDAB Commerce Park & Performing Arts and Historical Facility Sub-committee met on July 11, August 8, and September 12 of 2014.
- On July 11, the topic was a discussion and research reports regarding the Performing Arts Center.
- On August 8, the topic was a discussion and research reports regarding the Performing Arts Center. Sub-committee Member Benjamin Bove was dropped from the Sub-committee rolls due to unexcused absences. Mr. Bove may reapply and be considered for membership for this Sub-committee.
- On September 12, Sub-committee members were advised of member Jack Kesler's resignation; the Sub-committee members agreed to work on the other assigned topics other than Performing Arts, being the Commerce Park and the Historical Facility. Mayor John Masiarczyk addressed the Sub-committee as the guest speaker.



## DELTONA ECONOMIC DEVELOPMENT ADVISORY BOARD

### Educational and Medical Research Sub-Committee

### Quarterly Report to DEDAB, Q3-2014

#### ASSIGNMENTS / TASKS

This DEDAB Sub-Committees were created on August 15, 2011, and assigned the task of performing the advisory role for DEDAB The Sub-Committee will continue its Commission-assigned task, and will report quarterly on progress made.

#### EDUCATIONAL & MEDICAL RESEARCH SUB-COMMITTEE MISSION STATEMENT

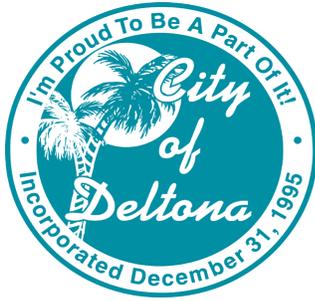
Identify and approach, meet and obtain ideas from each area stakeholder and utilize these ideas toward the proposal for a workable "educated and healthy community".

#### GENERAL REPORT

This Sub-Committee meets on the second Friday of every other month, in the Second Floor Conference Room at Deltona City Hall. The meetings start at 10:00 A.M. and are scheduled to last one hour. Meetings are open to the public and public participation is encouraged.

#### EDUCATIONAL AND MEDICAL RESEARCH SUB-COMMITTEE

- In conjunction with the Educational and Medical research project, the Sub-committee strives to determine the most promising way to attract medical facilities, training facilities, and opportunities (including medical office administration, nursing assistant, nursing, etc.) to the City of Deltona.
- On August 8, this Sub-committee has Mayor John Masiarczyk as the guest speaker. Mayor Masiarczyk spoke of the history of the City of Deltona and how education of the workforce and medical expansion will be two of the major incentives to assist the City's growth.



# City of Deltona

## THIRD QUARTER (3<sup>rd</sup>) 2014 PLANNING & ZONING BOARD REPORT

### MEETING DATES:

A Planning & Zoning Board (Board) meeting was held on July 16<sup>th</sup>, August 20<sup>th</sup>, and September 17<sup>th</sup> of 2014.

### ITEMS HEARD AT THE PLANNING & ZONING MEETINGS:

COMPREHENSIVE PLAN AMENDMENTS	0
REZONINGS/ORDINANCES/FINAL SITE PLANS	4
RESOLUTIONS/CONDITIONAL USES/VARIANCES	4
DISCUSSIONS/ORIENTATION/ELECTIONS	2

**A. Ordinance No. 10-2014, Amendment to add Article XIV to the City's Code of Ordinances, pertaining to Medical Marijuana Dispensaries.**

The Board voted 5-1 in favor of recommending that the City Commission adopt Ordinance No. 10-2014, to allow for locational criteria for this use. While the State of Florida will be creating standards, should the State approve of this use, the Board discussed that the City is being proactive in addressing the location of medical marijuana dispensaries prior to adoptive legislation. The dispensaries would be limited to the C-1 (Retail Commercial), C-2 (General Commercial), and C-3 (Heavy Commercial) City zoning districts.

**B. Ordinance No. 17-2014 (RZ14-003), Halifax Crossings BPUD.**

The Board voted unanimously to recommend that the City Commission adopt Ordinance No. 17-2014, Project RZ14-003, for a ±148.13 acre site within the Deltona Activity Center. The Board recommended that conditions be added to place less intensive land uses along the east side of the property, upgrading the existing traffic signal from span-wire to mast-arm design, add multi-modal pedestrian facilities, increase the landscape buffer to a 40-ft. width along that portion of the site adjacent to residential neighborhoods, and include transportation phasing of improvements.

**C. Ordinance No. 26-2014, Amendment to add Chapter 99 to the City's Code of Ordinances, pertaining to Residential Prison Diversion Programs.**

The Board voted unanimously to recommend that the City Commission adopt Ordinance No. 26-2014, that creates operational and locational criteria for residential

City of Deltona, Florida  
 P&Z 3<sup>rd</sup> Quarter 2014 Report  
 October 8, 2014  
 Page 2 of 3

prison diversion programs within the City. The State of Florida now allows for convicted individuals to have an option, if they pay, to be housed outside of a traditional prison facility and instead be located within a single-family residential structure. The Board thanked the City Attorney for being proactive in drafting this ordinance in advance of expansion of such facilities in the City. The Board discussed separation distances, compatibility between land uses, and the legal provisions that allow for this use.

**D. Ordinance No. 27-2014, Amendment to Section 110-827, Accessory Uses and Structures, pertaining to Shed Design Standards.**

The Board voted unanimously to recommend that the City Commission adopt Ordinance No. 27-2014, that allows an increase in the maximum shed height from the current 10.5-ft. to 15-ft. The ordinance also removes the condition that an accessory shed shall match the principle structure on-site, if the shed exceeds 240 SF in size, since most accessory sheds are prototypical when purchased and not custom made.

**E. Resolution No. 2014-08 (CU14-003), IMED Church Conditional Use Application.**

The Board voted unanimously to recommend that the City Commission approve Resolution No. 2014-08 allowing for Conditional Use of a house of worship for the RE-1 zoned subject site. The former Conditional Use approval by the City Commission expired that permitted over 700 seats and this request establishes less-intensive 210 fixed seats within the facility.

**F. Resolution No. 2014-22 (CU14-004), Harmony Clinic Conditional Use Application.**

The Board voted unanimously to recommend that the City Commission deny Resolution No. 2014-22 that would allow for Conditional Use of a residential house located at 1948 Saxon Boulevard to be used as a chiropractic medical office. The basis of the Board's decision was discussed with the zoning variance application listed with the accompanying Resolution No. 2014-24.

**G. Resolution No. 2014-24 (VR14-001), Harmony Clinic Variance Application.**

The Board voted unanimously to recommend that the City Commission deny Resolution No. 2014-24 that would allow for zoning variances for a residential house located at 1948 Saxon Boulevard to be used as a chiropractic medical office. The basis of the Board's decision was that the subject site could not accommodate the required parking, landscape bufferyards, stormwater management, and maintain the existing septic system. The Board discussed that this is one of the larger lots along Saxon Boulevard and has the benefit of Diane Terrace for additional access, but the interior smaller lots would be more constrained. Following public participation and discussion that the variance would establish new performance standards for only this lot, the Board recommended denial of Resolution No. 2014-24 and asked staff to consider a more comprehensive approach, such as a zoning overlay district.

City of Deltona, Florida  
 P&Z 3<sup>rd</sup> Quarter 2014 Report  
 October 8, 2014  
 Page 3 of 3

**H. Resolution No. 2014-29 (CU14-005), East Coast Dragon Tattoo Conditional Use Application.**

The Board voted unanimously to recommend that the City Commission approve Resolution No. 2014-29, a Conditional Use, to allow for a tattoo parlor to be located within the General Commercial (C-2) zoning district; per Section 110-316 (c) of the City's Code of Ordinances. The tattoo parlor is proposed to be located within the Deltona Square Plaza at 577 Deltona Boulevard.

**DISCUSSIONS/ORIENTATION/ELECTIONS:**

**A. By the Board.**

Chairman Burbank inquired about a replacement for former Member McKnight. Staff responded that the nomination for a new member was being brought to the City Commission for approval; which was achieved with the addition of Member Sixma.

Chairman Burbank discussed the need to look at a comprehensive approach for lands along Saxon Boulevard, east of I-4 that are zoned to allow for non-residential uses within residentially developed homes. The City initiated rezoning of these properties to Office Residential (OR) and General Commercial (C-2) has not led to reuse of the properties and reuse require a series of zoning variances for the properties to be converted. Staff mentioned that the zoning action is one component and there remains the need for commercial sewer, access management, off-street parking, ADA facilities, depth of lots, stormwater management, etc. to functionally use a former residential home for office or commercial. Chairman Burbank and Member Sixma agreed and that an overlay district should be considered instead of a series of variances on a case by case basis.

**B. By the City Attorney:**

None

**C. By Planning & Development Services Staff:**

None

**City of Deltona, Firefighters' Pension Plan  
Board of Trustees Quarterly Report  
Quarter Ended September 30, 2014**

**Board of Trustees:**

- City Commission Appointees (terms expire January 2017):
  - Gene Gizzi – original appointment December 2013
  - Janet Deyette – original appointment September 2013
- Active plan member appointees (terms expire January 2017):
  - Kurt Vroman, – original appointment January 2009
  - Mike Maples – original appointment November 2013
- Trustee Appointee (term expires January 2018):
  - James Koczan – original appointment February 2008

**Quarterly Administration Highlights:**

1. **The portfolio finished the fiscal year out with net returns of greater than 11%. This brings the 5 year net return at greater than 9%. The portfolio as of September 30, 2014 totals \$20,279,355 and is comprised of the following:**

Equities	\$ 7,627,943
Mutual Funds (equity & fixed Income)	\$ 6,739,664
Fixed Income	\$ 4,287,778
Real Estate	\$ 632,402
Cash / Equivalents (\$390,000 pending Real Estate buy)	\$ 991,568

A detailed listing of the investments held at 9/30/2014 has been provided to the City.

2. **2013 Annual State Report Accepted and 2014 Insurance Premium Tax Received** – Annually the Plan is required to file a report with the Florida Department of Management Services, Division of Retirement, Municipal Police Officers' and Firefighters' Retirement Trust Funds' Office. The report provides detailed financial data and demonstrates compliance with all provisions of the state statute chapter 175 as required. In September, the State approved the report for the fiscal year ended September 30, 2013 and the City received \$389,245 for its 2014 distribution of Insurance Premium Tax plus \$46,398 for the supplemental distribution in October. This brings the balance of the frozen premium tax funding to be used for benefit enhancements to \$2,077,421.
3. **Actuarial Valuation and Declaration** – The actuarial valuation as of October 1, 2013, which establishes the contribution rate for the City for fiscal year 2014/15 was completed and reviewed with the Pension Board on September 15, 2014. A copy of the valuation has been provided to the City. The City's contribution rate increased by 1.7% as a result of lower than expected turnover in staff and

October 3, 2014

actuarial return on investments. The actuarial smoothing method utilized to calculate the rate of return allows for deferment of losses over a 5 year average, this method helps to ease spikes in contribution requirements in down markets. The report reflects a positive gain in the funded ratio (actuarial value of assets to actuarial accrued liabilities) of 1.09% for the year and 4.42% since 2009, representing continued improvement in all aspects of plan funding.

4. **Plan Ordinance Modifications** – The pension board has received the actuarial valuation and an updated actuarial impact statement related to the proposed ordinance modifications. The impact statement reflects a 6.6% increase in the total contribution rate, offset and fully funded by a 6.6% increase in the contribution from the annual State insurance premium tax distribution. In addition, the actuary has provided a written response to all questions posed by the City Commission which has been provided to the City Manager along with all other documentation necessary to schedule the proposed ordinance for public reading.
5. **Board Meeting** – The next meeting of the Board of Trustees is scheduled for December 16, 2014 at 5pm.



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 11/3/2014  
**FROM:** Dale Baker, Acting City Manager            **AGENDA ITEM:** 8 - A  
**SUBJECT:** Public Hearing - Saxon Sterling Silver BPUD Final Plat Application (FP 14-003).

---

**LOCATION:**

The site is located along the north side of Saxon Boulevard, east of Sterling Silver Boulevard, and south of Alabaster Way.

**BACKGROUND:**

The City of Deltona received the Saxon Sterling Silver BPUD Final Plat (Saxon Final Plat) application to replat lots 2 and 4, Tract B, Tract C, and Road B (vacated) of the existing Retirement Community at Sterling Park MPUD Final Plat (MPUD Final Plat). While the MPUD Final Plat includes lots 1 (proposed Florida Hospital facility) and lot 3, Sterling Court retirement community facility, this proposed Saxon Final Plat only encompasses the ±7.38 acre area of lots 2 and 4 and associated tracts. The Saxon Final Plat follows the process listed within Code of Ordinance Sections 106-30 (Construction Plan Review), Section 106-31 (Final Plat Review), and Chapter 177.041, Florida Statutes for land subdivision.

The purpose and intent of the Saxon Final Plat is to create two new lots (1 and 2), a master stormwater retention parcel (Tract A), development of a WalMart Neighborhood Market on lot 1, and construction of a ±14,500 multi-tenant retail center on lot 2. The proposed subdivision of the ±7.38 acre parent parcel includes a ±4.41 acre lot 1, a ±1.62 acre lot 2, and a ±1.35 acre Tract A for master stormwater management.

The applicant provided copies of the easements necessary for access management and utility provision (see the attached exhibits). The City's Development Review Committee reviewed the Saxon Final Plat and associated Final Construction Plan set on October 9, 2014, and deemed them to be compliant with City subdivision and land development regulations. Finally, a peer review professional surveying consultant reviewed the Final Plat and confirmed that it

**ORIGINATING DEPARTMENT:**

complies with state and local subdivision regulations.

Planning and Development Services

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Planning Director and City Attorney

**STAFF RECOMMENDATION PRESENTED BY:**

Presented by: Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends that the City Commission approve the Saxon Sterling Silver BPUD Final Plat (FP 14-003).

**POTENTIAL MOTION:**

"I hereby move to approve the Saxon Sterling Silver BPUD Final Plat (FP 14-003)."

**AGENDA ITEM APPROVED BY:**

\_\_\_\_\_  
Dale Baker, Acting City Manager

**ATTACHMENTS:**

- Final Plat
- Overall Legal Description
- Plat Certification Report
- Duke Energy-Florida Power Corp Easement
- Progress Energy Distribution Easement
- Volusia County School Board Easement
- Staff Report Memo 100714
- Medical Plaza Access Easement
- Joinder & Consent



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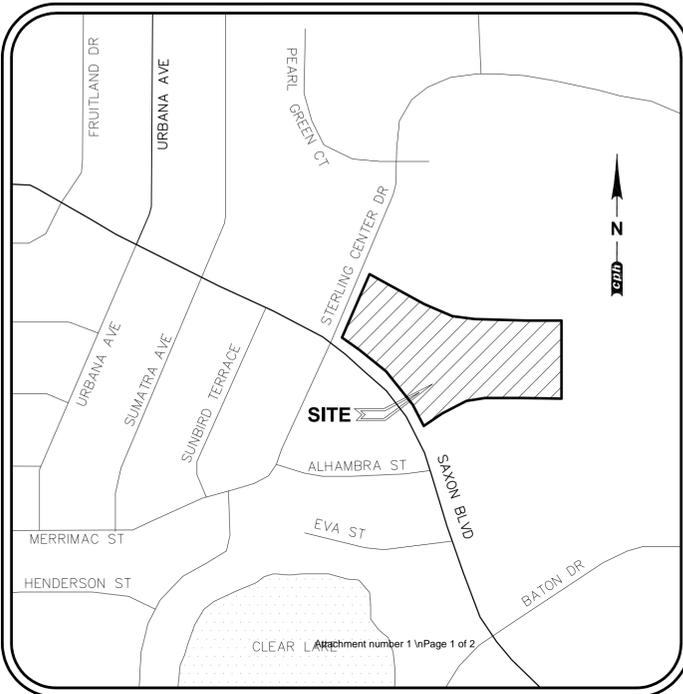
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SANFORD, FLORIDA 32771 - (407)322-6841
LICENSED BUSINESS NO. 7143

VICINITY MAP
SCALE: 1"=400'



SAXON STERLING SILVER BPUD

A REPLAT OF LOT 2, LOT 4, TRACT "B", TRACT "C", AND ROAD "B" (VACATED),
RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D. MAP BOOK 53,
PAGES 59 & 60, OF THE PUBLIC RECORDS OF
VOLUSIA COUNTY, FLORIDA, LOCATED IN
SECTION 20, TOWNSHIP 18 SOUTH, RANGE 31 EAST,
CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA

LEGAL DESCRIPTION:

TRACT B, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE MAP OR
PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGE 59, OF THE PUBLIC RECORDS OF
VOLUSIA COUNTY, FLORIDA.

AND

LOTS 2 AND 4, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE MAP
OR PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGE 59, OF THE PUBLIC RECORDS OF
VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THAT PART OF ROAD B, WHICH ROAD IS SHOWN
ON THE PLAT, INURING TO THE BENEFIT OF AND/OR REVERTING TO GRANTOR AS A RESULT
OF SAID ROAD BEING VACATED PURSUANT TO ORDINANCE NO. 02-2008 OF THE CITY OF
DELTONA, VOLUSIA COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6188 PAGE 627,
OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

TRACT C, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE MAP OR
PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGE 59, OF THE PUBLIC RECORDS OF
VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THAT PART OF ROAD B, WHICH ROAD IS SHOWN
ON THE PLAT, INURING TO THE BENEFIT OF AND/OR REVERTING TO GRANTOR AS A RESULT
OF SAID ROAD BEING VACATED PURSUANT TO ORDINANCE NO. 02-2008 OF THE CITY OF
DELTONA, VOLUSIA COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6188 PAGE 627,
OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SAID LANDS CONTAINING 321615 SQUARE FEET OR 7.38 ACRES, MORE OR LESS.

ABBREVIATION LEGEND:

- (BB) - BEARING BASIS
© - COPYRIGHT
CM - CONCRETE MONUMENT
C - CHORD DISTANCE
CB - CHORD BEARING
Δ - DELTA (CENTRAL ANGLE)
ESMT - EASEMENT
FND - FOUND
FPC - FLORIDA POWER CORPORATION
ID - IDENTIFICATION
IR&C - IRON REBAR & CAP
L - ARC LENGTH
LB# - LICENSED BUSINESS NUMBER
MB - MAP BOOK
N & D - NAIL AND DISK
NO. - NUMBER
ORB - OFFICIAL RECORDS BOOK
PC - POINT OF CURVATURE
PCC - POINT OF COMPOUND CURVATURE
PG - PAGE
PGS - PAGES
PI - POINT OF INTERSECTION
PK - PARKER KALON
PRM - PERMANENT REFERENCE MONUMENT
PRC - POINT OF REVERSE CURVATURE
PT - POINT OF TANGENCY
R - RADIUS
R/W - RIGHT-OF-WAY
R31E - RANGE 31 EAST
SEC 20 - SECTION 20
T18S - TOWNSHIP 18 SOUTH
# - NUMBER
W/ - WITH

SHEET INDEX

SHEET 1: VICINITY MAP, LEGAL DESCRIPTION, DEDICATION, NOTES

SHEET 2: SKETCH OF PLAT & EASEMENTS

NOTICE

ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE
EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF
CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION,
MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE
FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN
THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY,
IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO
THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC,
TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION,
MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY
CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE
SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN
AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT, WHETHER GRAPHIC OR
DIGITAL. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT
THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY.

NOTICE

MORTGAGE JOINDER AND CONSENT FROM COMMUNITY & SOUTHERN BANK FOR FILING OF
THIS PLAT IS FOUND IN OFFICIAL RECORDS BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_ THROUGH
\_\_\_\_\_ OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SHEET 1 OF 2

MAP BOOK

PAGE

SAXON STERLING SILVER BPUD (A REPLAT)
DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That DELTONA RETAIL
INVESTMENT, A SOUTH CAROLINA LIMITED LIABILITY COMPANY,
Organized under the laws of the State of South Carolina, named
below, being the owners in fee simple of the lands described in the
attached plat, entitled "SAXON STERLING SILVER BPUD", located in
the City of Deltona, Volusia County, Florida hereby dedicates said
lands and plat for the uses and purposes therein expressed and
dedicates the easements shown hereon as dedicated by this plat to
the perpetual use of the public, unless otherwise noted. IN WITNESS
WHEREOF, has caused these presents to be signed and attested to
by the officers named below and their respective corporate seals to
be affixed hereto on \_\_\_\_\_ 2014.

Signed and sealed in the presence of: DELTONA RETAIL INVESTMENT, L.L.C.,
A SOUTH CAROLINA LIMITED LIABILITY COMPANY

WITNESS (SIGNATURE) BY: WRS INC., A SOUTH CAROLINA CORPORATION, ITS MANAGER

PRINTED OR TYPED NAME By: \_\_\_\_\_

WITNESS (SIGNATURE) ARTHUR J. KEPES
Its: EXECUTIVE VICE PRESIDENT

PRINTED OR TYPED NAME \_\_\_\_\_

CORPORATE SEAL

THIS IS TO CERTIFY, That on \_\_\_\_\_ 2014
before me, \_\_\_\_\_ an officer duly authorized to take
acknowledgements in the State and County aforesaid, personally
appeared ARTHUR J. KEPES, EXECUTIVE VICE PRESIDENT OF
WRS INC., A SOUTH CAROLINA CORPORATION, MANAGER OF
DELTONA RETAIL INVESTMENT, L.L.C., A SOUTH CAROLINA LIMITED
LIABILITY COMPANY organized and/or incorporated under the laws of
the State of South Carolina respectively, who did not take an oath
and who is personally known by me to be the individual and officer
described in and who executed the foregoing Dedication and severally
acknowledged the execution thereof to be his free act and deed as
such officer thereunto duly authorized; that the official seal of said
corporation is duly affixed thereto; and that the said Dedication is
the act and deed of said corporation. IN WITNESS WHEREOF, I have
hereunto set my hand and seal on the above date.

STATE OF SOUTH CAROLINA COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me on this
\_\_\_\_\_ day of \_\_\_\_\_ 2014,
by \_\_\_\_\_

He is personally known to me or has produced a drivers license as
identification.

Signature of Notary Public
NOTARY PUBLIC, State of \_\_\_\_\_

Printed Name: \_\_\_\_\_
My Commission Expires: \_\_\_\_\_

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the
undersigned, Thomas J. Galloway being a licensed and registered
surveyor and mapper, does hereby certify that on \_\_\_\_/\_\_\_\_/\_\_\_\_
he completed the survey of the lands as shown in the foregoing
plat; that said plat is a true and correct representation of the
lands therein described and platted; that permanent reference
monuments have been placed as shown thereon, and the survey
was made under my responsible direction and supervision, and that
this plat complies with all the requirements of Chapter 177, Part I
Florida Statutes; and that said land is located in the City of
Deltona, Volusia County, Florida.

Dated \_\_\_\_\_

Signature \_\_\_\_\_
Name Thomas J. Galloway Reg.No. 6549
Professional Surveyor and Mapper
Florida Registration No. 6549
CPH, Inc., Licensed Business No. 7143

CERTIFICATE OF APPROVAL BY
LAND DEVELOPMENT MANAGER

THIS IS TO CERTIFY, That on \_\_\_\_\_ the
foregoing plat was approved.

BY: \_\_\_\_\_
Director of Planning and Development Services

CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat
and find that it complies in form with all the requirements
of Chapter 177, Florida Statutes, and was filed for record
on \_\_\_\_\_ 2014 at \_\_\_\_\_
at File No. \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Circuit Court in and for Volusia County, Florida

CERTIFICATE OF APPROVAL BY CITY COMMISSION
OF THE CITY OF DELTONA, FLORIDA

THIS IS TO CERTIFY, That on \_\_\_\_\_
2014, the foregoing plat was approved by the City Commission
of the City of Deltona, Florida.

By: \_\_\_\_\_ (SEAL)
Mayor, City of Deltona, Florida

Attest: \_\_\_\_\_
City Clerk

CERTIFICATE OF APPROVAL BY CITY
REGISTERED SURVEYOR

THIS IS TO CERTIFY, That
on \_\_\_\_\_ the foregoing plat
was reviewed for conformity to Florida Statute 177,
and approved.

By: \_\_\_\_\_ (SEAL)
DATE: \_\_\_\_\_
City Registered Professional Licensed Surveyor

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY, That
on \_\_\_\_\_ the
foregoing plat was approved.

By: \_\_\_\_\_
City Engineer



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Architects M/E/P  
Engineers Planners  
Environmental Surveyors  
Landscape Architects Traffic/Transportation

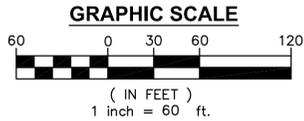
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# SAXON STERLING SILVER BPUD

A REPLAT OF LOT 2, LOT 4, TRACT "B", TRACT "C", AND ROAD "B" (VACATED),  
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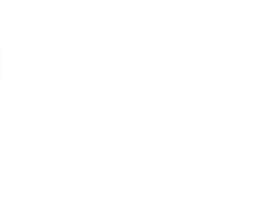
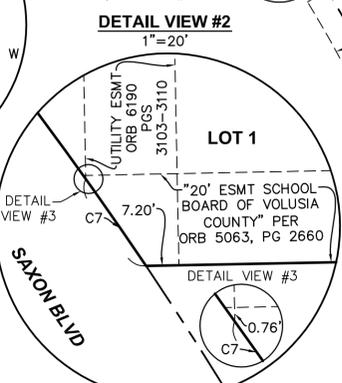
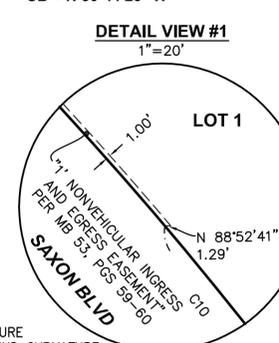
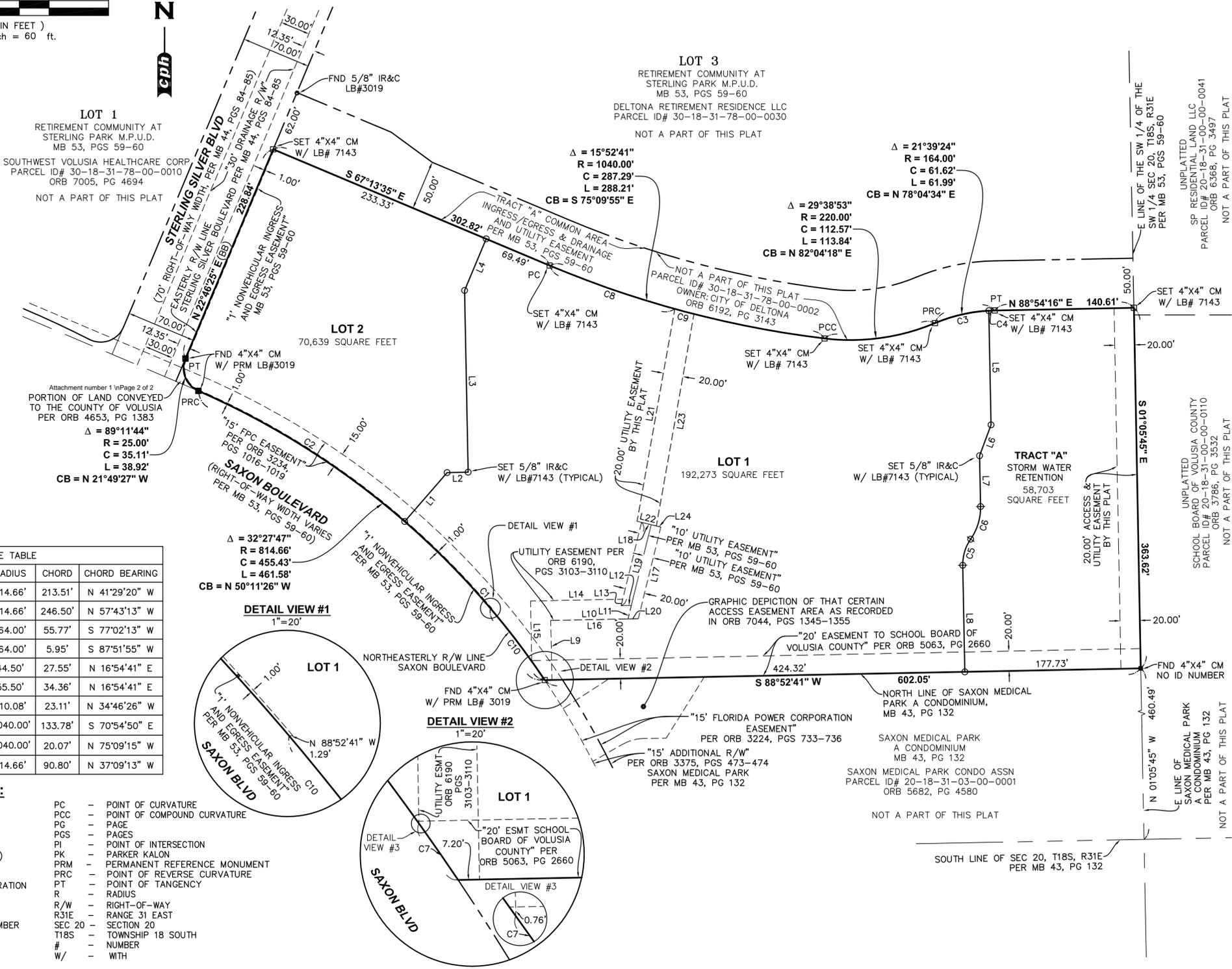


LINE	BEARING	LENGTH
L1	S 40°58'53" W	65.27'
L2	S 88°52'41" W	21.23'
L3	S 01°07'19" E	183.27'
L4	S 22°46'25" W	56.39'
L5	N 01°07'19" W	115.14'
L6	N 20°23'00" E	33.19'
L7	N 01°07'19" W	51.24'
L8	N 01°07'19" W	107.45'
L9	N 01°07'19" W	60.00'
L10	N 88°52'41" E	78.10'
L11	N 13°48'49" E	13.90'
L12	S 88°52'41" W	10.35'
L13	N 13°48'49" E	6.79'
L14	S 88°52'41" W	93.09'
L15	S 01°07'19" E	60.75'
L16	N 88°52'41" E	88.43'
L17	N 13°48'49" E	95.15'
L18	S 76°11'11" E	20.00'
L19	N 13°48'49" E	86.58'
L20	N 88°52'41" E	10.33'
L21	S 10°05'31" W	217.43'
L22	S 76°11'11" E	20.04'
L23	N 10°05'31" E	217.07'
L24	S 76°11'11" E	4.61'

CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	15°03'35"	214.13'	814.66'	213.51'	N 41°29'20" W
C2	17°24'12"	247.45'	814.66'	246.50'	N 57°43'13" W
C3	19°34'41"	56.04'	164.00'	55.77'	S 77°02'13" W
C4	2°04'43"	5.95'	164.00'	5.95'	S 87°51'55" W
C5	36°04'00"	28.01'	44.50'	27.55'	N 16°54'41" E
C6	36°04'00"	34.94'	55.50'	34.36'	N 16°54'41" E
C7	1°38'06"	23.12'	810.08'	23.11'	N 34°46'26" W
C8	7°22'31"	133.87'	1,040.00'	133.78'	S 70°54'50" E
C9	1°06'20"	20.07'	1,040.00'	20.07'	N 75°09'15" W
C10	6°23'22"	90.85'	814.66'	90.80'	N 37°09'13" W

### ABBREVIATION LEGEND:

- (BB) - BEARING BASIS
- © - COPYRIGHT
- CM - CONCRETE MONUMENT
- C - CHORD DISTANCE
- CB - CHORD BEARING
- Δ - DELTA (CENTRAL ANGLE)
- ESMT - EASEMENT
- FND - FOUND
- FPC - FLORIDA POWER CORPORATION
- ID - IDENTIFICATION
- IR&C - IRON REBAR & CAP
- L - ARC LENGTH
- LB# - LICENSED BUSINESS NUMBER
- MB - MAP BOOK
- N & D - NAIL AND DISK
- NO. - NUMBER
- ORB - OFFICIAL RECORDS BOOK
- PC - POINT OF CURVATURE
- PCC - POINT OF COMPOUND CURVATURE
- PG - PAGE
- PGS - PAGES
- PI - POINT OF INTERSECTION
- PK - PARKER KALON
- PRM - PERMANENT REFERENCE MONUMENT
- PRC - POINT OF REVERSE CURVATURE
- PT - POINT OF TANGENCY
- R - RADIUS
- R/W - RIGHT-OF-WAY
- R31E - RANGE 31 EAST
- SEC 20 - SECTION 20
- T18S - TOWNSHIP 18 SOUTH
- # - NUMBER
- W/ - WITH



**PARENT PARCEL (OVERALL) LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, AND BEING ALL OF TRACT B, TRACT C, LOT 2 AND LOT 4, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THAT PART OF ROAD B, WHICH ROAD IS SHOWN ON THE PLAT, INURING TO THE BENEFIT OF AND/OR REVERTING TO GRANTOR AS A RESULT OF SAID ROAD BEING VACATED PURSUANT TO ORDINANCE NO. 02-2008 OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6188 PAGE 627, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHWESTERLY CORNER OF LOT 2, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH  $67^{\circ}13'35''$  EAST ALONG THE NORTHERLY LINE OF SAID LOT 2, ALSO BEING THE SOUTHERLY LINE OF TRACT "A" OF SAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., A DISTANCE OF 302.82 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1040.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH  $75^{\circ}09'55''$  EAST, 287.29 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF  $15^{\circ}52'41''$  AN ARC DISTANCE OF 288.21 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 220.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH  $82^{\circ}04'18''$  EAST, 112.57 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF  $29^{\circ}38'53''$  AN ARC DISTANCE OF 113.84 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 164.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH  $78^{\circ}04'34''$  EAST, 61.62 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF  $21^{\circ}39'24''$  AN ARC DISTANCE OF 61.99 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH  $88^{\circ}54'16''$  EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 140.61 FEET TO THE EAST LINE OF AFORESAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D.; THENCE DEPARTING AFORESAID SOUTHERLY LINE OF TRACT "A" RUN SOUTH  $01^{\circ}05'45''$  EAST ALONG SAID EAST LINE A DISTANCE OF 363.62 FEET TO THE SOUTHEAST CORNER OF AFORESAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D.; THENCE DEPARTING SAID EAST LINE RUN SOUTH  $88^{\circ}52'41''$  WEST ALONG THE SOUTH LINE OF AFORESAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D. A DISTANCE OF 602.05 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF

SAXON BOULEVARD, ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 814.66 FEET, A CHORD BEARING AND DISTANCE OF NORTH 50°11'26" WEST, 455.43 FEET; THENCE RUN NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°27'47" AN ARC DISTANCE OF 461.57 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 21°49'27" WEST, 35.11 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°11'44" AN ARC DISTANCE OF 38.92 FEET TO A POINT OF TANGENCY LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF STERLING SILVER BOULEVARD; THENCE RUN NORTH 22°46'25" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 228.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 321,615 SQUARE FEET OR 7.38 ACRES, MORE OR LESS.

**THAT INCLUDES THE RETAIL CENTER TRACT LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, AND BEING A PORTION OF LOT 2, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHWESTERLY CORNER OF LOT 2, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 67°13'35" EAST ALONG THE NORTHERLY LINE OF SAID LOT 2, ALSO BEING THE SOUTHERLY LINE OF TRACT "A" OF SAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., A DISTANCE OF 233.33 FEET; THENCE DEPARTING SAID NORTHERLY LINE RUN SOUTH 22°46'25" WEST A DISTANCE OF 56.39 FEET; THENCE RUN SOUTH 01°07'19" EAST A DISTANCE OF 183.27 FEET; THENCE RUN SOUTH 88°52'41" WEST A DISTANCE OF 21.23 FEET; THENCE RUN SOUTH 40°58'53" WEST A DISTANCE OF 65.27 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAXON BOULEVARD, ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 814.66 FEET, A CHORD BEARING AND DISTANCE OF NORTH 57°43'13" WEST, 246.50 FEET; THENCE RUN NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°24'12" AN ARC DISTANCE OF 247.45 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 21°49'27" WEST, 35.11 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE

THROUGH A CENTRAL ANGLE OF 89°11'44" AN ARC DISTANCE OF 38.92 FEET TO A POINT OF TANGENCY LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF STERLING SILVER BOULEVARD; THENCE RUN NORTH 22°46'25" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 228.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 70,639 SQUARE FEET OR 1.62 ACRES, MORE OR LESS.

**THAT INCLUDES THE WALMART TRACT LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, AND BEING ALL OF TRACT B AND PORTIONS OF THE FOLLOWING: TRACT C, LOT 2 AND LOT 4, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF ROAD B, WHICH ROAD IS SHOWN ON THE PLAT, INURING TO THE BENEFIT OF AND/OR REVERTING TO GRANTOR AS A RESULT OF SAID ROAD BEING VACATED PURSUANT TO ORDINANCE NO. 02-2008 OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6188 PAGE 627, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST NORTHWESTERLY CORNER OF LOT 2, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 67°13'35" EAST ALONG THE NORTHERLY LINE OF SAID LOT 2, ALSO BEING THE SOUTHERLY LINE OF TRACT "A" OF SAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., A DISTANCE OF 233.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 67°13'35" EAST A DISTANCE OF 69.49 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1040.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 75°09'55" EAST, 287.29 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 15°52'41" AN ARC DISTANCE OF 288.21 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 220.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 82°04'18" EAST, 112.57 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 29°38'53" AN ARC DISTANCE OF 113.84 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 164.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 77°02'13" EAST, 55.77 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 19°34'41" AN ARC DISTANCE OF 56.04 FEET; THENCE DEPARTING SAID SOUTHERLY LINE RUN SOUTH 01°07'19"

EAST A DISTANCE OF 115.14 FEET; THENCE RUN SOUTH 20°23'00" WEST A DISTANCE OF 33.19 FEET; THENCE RUN SOUTH 01°07'19" EAST A DISTANCE OF 51.24 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 55.50 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 16°54'41" WEST, 34.36 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36°04'00" AN ARC DISTANCE OF 34.94 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 44.50 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 16°54'41" WEST, 27.55 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36°04'00" AN ARC DISTANCE OF 28.01 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 01°07'19" EAST A DISTANCE OF 107.45 FEET TO A POINT ON THE SOUTH LINE OF AFORESAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D.; THENCE RUN SOUTH 88°52'41" WEST A DISTANCE OF 424.32 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAXON BOULEVARD, ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 814.66 FEET, A CHORD BEARING AND DISTANCE OF NORTH 41°29'20" WEST, 213.51 FEET; THENCE RUN NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°03'35" AN ARC DISTANCE OF 214.13 FEET; THENCE DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE RUN NORTH 40°58'53" EAST A DISTANCE 65.27 FEET; THENCE RUN NORTH 88°52'41" EAST A DISTANCE OF 21.23 FEET; THENCE RUN NORTH 01°07'19" WEST A DISTANCE OF 183.27 FEET; THENCE RUN NORTH 22°46'25" EAST A DISTANCE OF 56.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 192,273 SQUARE FEET OR 4.41 ACRES, MORE OR LESS.

**THAT INCLUDES THE STORMWATER RETENTION TRACT 'A' LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, AND BEING PORTIONS OF THE FOLLOWING: TRACT C AND LOT 4, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF ROAD B, WHICH ROAD IS SHOWN ON THE PLAT, INURING TO THE BENEFIT OF AND/OR REVERTING TO GRANTOR AS A RESULT OF SAID ROAD BEING VACATED PURSUANT TO ORDINANCE NO. 02-2008 OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6188 PAGE 627, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST NORTHWESTERLY CORNER OF LOT 2, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH  $67^{\circ}13'35''$  EAST ALONG THE NORTHERLY LINE OF SAID LOT 2, ALSO BEING THE SOUTHERLY LINE OF TRACT "A" OF SAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., A DISTANCE OF 302.82 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1040.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH  $75^{\circ}09'55''$  EAST, 287.29 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF  $15^{\circ}52'41''$  AN ARC DISTANCE OF 288.21 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 220.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH  $82^{\circ}04'18''$  EAST, 112.57 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF  $29^{\circ}38'53''$  AN ARC DISTANCE OF 113.84 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 164.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH  $77^{\circ}02'13''$  EAST, 55.77 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF  $19^{\circ}34'41''$  AN ARC DISTANCE OF 56.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 164.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH  $87^{\circ}51'55''$  EAST, 5.95 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF  $02^{\circ}04'43''$  AN ARC DISTANCE OF 5.95 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH  $88^{\circ}54'16''$  EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 140.61 FEET TO THE EAST LINE OF AFORESAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D.; THENCE DEPARTING AFORESAID SOUTHERLY LINE OF TRACT "A" RUN SOUTH  $01^{\circ}05'45''$  EAST ALONG SAID EAST LINE A DISTANCE OF 363.62 FEET TO THE SOUTHEAST CORNER OF AFORESAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D.; THENCE DEPARTING SAID EAST LINE RUN SOUTH  $88^{\circ}52'41''$  WEST ALONG THE SOUTH LINE OF AFORESAID RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D. A DISTANCE OF 177.73 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH  $01^{\circ}07'19''$  WEST A DISTANCE OF 107.45 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 44.50 FEET, A CHORD BEARING AND DISTANCE OF NORTH  $16^{\circ}54'41''$  EAST, 27.55 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $36^{\circ}04'00''$  AN ARC DISTANCE OF 28.01 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 55.50 FEET, A CHORD BEARING AND DISTANCE OF NORTH  $16^{\circ}54'41''$  EAST, 34.36 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $36^{\circ}04'00''$  AN ARC DISTANCE OF 34.94 FEET TO A POINT

OF TANGENCY; THENCE RUN NORTH 01°07'19" WEST A DISTANCE OF 51.24 FEET; THENCE RUN NORTH 20°23'00" EAST A DISTANCE OF 33.19 FEET; THENCE NORTH 01°07'19" WEST A DISTANCE OF 115.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 58,703 SQUARE FEET OR 1.35 ACRES, MORE OR LESS.

# Stewart Title Guaranty Company

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## PLAT CERTIFICATION REPORT

Proposed Plat of: SAXON STERLING SILVER BPUD (see attached)

In accordance with Florida Statutes Section 177.041 this will certify that Stewart Title Guaranty Company has made a search of Public Records of Volusia County, Florida, through October 20, 2014 at 8:00 a.m. on real property described and shown on the proposed plat which description reads as follows:

TRACT B, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGE 59, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

LOTS 2 AND 4, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT [BOOK 53, PAGE 59](#), OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THAT PART OF ROAD B, WHICH ROAD IS SHOWN ON THE PLAT, INURING TO THE BENEFIT OF AND/OR REVERTING TO GRANTOR AS A RESULT OF SAID ROAD BEING VACATED PURSUANT TO ORDINANCE NO. 02-2008 OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS [BOOK 6188, PAGE 627](#), OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

TRACT C, RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D., ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT [BOOK 53, PAGE 59](#), OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THAT PART OF ROAD B, WHICH ROAD IS SHOWN ON THE PLAT, INURING TO THE BENEFIT OF AND/OR REVERTING TO GRANTOR AS A RESULT OF SAID ROAD BEING VACATED PURSUANT TO ORDINANCE NO. 02-2008 OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS [BOOK 6188 PAGE 627](#), OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

As of the effective date of this report, the record title to the land described and shown on the proposed plat is in the name of Deltona Retail Investment, L.L.C., a South Carolina limited liability company, by virtue of those certain Warranty Deeds recorded October 17, 2014 in Official Records [Book 7044, Page 1337](#), and in Official Records [Book 7044, Page 1341](#), of the Public Records of Volusia County, Florida.

The search has revealed the following mortgages not satisfied or released of record nor otherwise terminated by law:

1. Mortgage executed by Deltona Retail Investment, L.L.C., a South Carolina limited liability company to Community & Southern Bank recorded October 17, 2014, in Official Records [Book 7044, Page 1356](#), of the Public Records of Volusia County, Florida.

2. Assignment of Rents and Leases executed by Deltona Retail Investment, L.L.C., a South Carolina limited liability company to Community & Southern Bank recorded on October 17, 2014, in Official Records [Book 7044, Page 1383](#), of the Public Records of Volusia County, Florida.

*THIS COMPANY, in issuing this Plat Certification Report (hereinafter referred to as the "Report"), assumes no liability on account of any instrument or proceedings, in the chain of title to the Property, which may contain defects that would render such instrument or proceedings null and void or defective. All instruments in the chain of title to the Property are assumed to be good and valid.*

*The Company's liability for this Report is limited to \$1,000 and extends only to the Customer who placed the order with the Company. No one else may rely upon this Report. Customer, by accepting this Report, agrees to indemnify and hold Company harmless from any claims or losses in excess of the limited amount stated above. This Report contains no expressed or implied opinion, warranty, guarantee, insurance or other similar assurance as to the status of title to real property. This report should only be relied upon for title information and, therefore, should be verified by a commitment for title insurance.*

Issued: October 24, 2014

Stewart Title Guaranty Company



BY:

Authorized Countersignature

FILED FOR RECORD  
RECORD VERIFIED

CLERK CIRCUIT COURT  
VOLUSIA CO., FL

Martin M. Goodman, as Trustee  
DED 115KV Line

Individual

158538

RECEIVED DEC 13 1950  
894-407-007300-7C2  
EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, their heirs, successors and assigns (GRANTOR herein), in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to FLORIDA POWER CORPORATION, its successors, lessees and assigns, (GRANTEE herein), the right, privilege and easement to construct, reconstruct, operate and maintain in perpetuity or until the use thereof is abandoned, electric transmission and distribution lines and related facilities (including supporting structures, communication and other wires, attachments and accessories desirable in connection therewith) over, upon and across the following described lands in Volusia County, Florida, and referred to hereinafter as the Easement Area, to wit:

The Southerly Fifteen (15) Feet of GRANTOR's land which lies parallel to and is contiguous with the present 70 foot wide Northerly Right-of-way line of Saxon Boulevard; being part of lands described in EXHIBIT "A", and, further shown on Florida Power Corporation Drawing No. T-12146-CAD, Revised 9/20/88, copies of which are attached hereto, incorporated herein, and by this reference made a part hereof,

together with the right to patrol, inspect, alter, improve, repair, rebuild, relocate or remove such lines and related facilities, including the right to increase or decrease the number and type of supporting structures, wires and voltage.

GRANTEE shall have all other rights and privileges reasonably necessary or convenient for the safe and efficient operation and maintenance of said electric transmission and distribution lines and related facilities, including the right to trim, cut and keep clear trees, limbs and undergrowth along said lines.

GRANTOR covenants and agrees that no trees, buildings, structures or obstacles will be located or constructed within the Easement Area nor shall ground elevation be altered more than two feet.

GRANTOR shall have all other rights in and to said Easement Area compatible with GRANTEE'S right to the safe and efficient operation and maintenance of said electric transmission and distribution lines and related facilities, including, but not limited to, the right to utilize said Easement Area for (a) ingress and egress, (b) general farming or pasture purposes, (c) planting low growing shrubbery as beautification, subject, however, to GRANTEE'S right of ingress and egress.

REC FEE \$ 19.50 REC'D PAYMENT AS  
DOC ST \$ 37.40 INDICATED FOR CLASS  
INT TAX \$ \_\_\_\_\_ "C" INTANGIBLE & DOC  
PENALTY \$ \_\_\_\_\_ STAMP TAXES SIGNED  
INTEREST \$ \_\_\_\_\_  
Clerk Circuit Court Volusia Co., Florida  
385

(continued on reverse side)

NET: Perm RESP: Real Estate 013 562

19.50  
37.40 Doc  
56.90

BOOK 3234  
PAGE 1016  
VOLUSIA CO. FL

This document prepared by H. A. EVERTZ III  
P.O. Box 14042, St. Petersburg, FL 33733



BOOK PAGE  
3234 1018  
VOLUSIA CO. FL

Martin M. Goodman,  
as Trustee  
DED 115 kV Line

**EXHIBIT "A"**

Legal Description

Tract "A" of DELTONA LAKES UNIT EIGHTEEN according to the plat thereof, as recorded in Plat Book 25, Pages 245 and 246, of the Public Records of Volusia County, Florida.

Containing 4.83 acres, more or less

AND

Tract "B" of DELTONA LAKES UNIT EIGHTEEN according to the plat thereof, as recorded in Plat Book 25, Pages 245 and 246, of the Public Records of Volusia County, Florida.

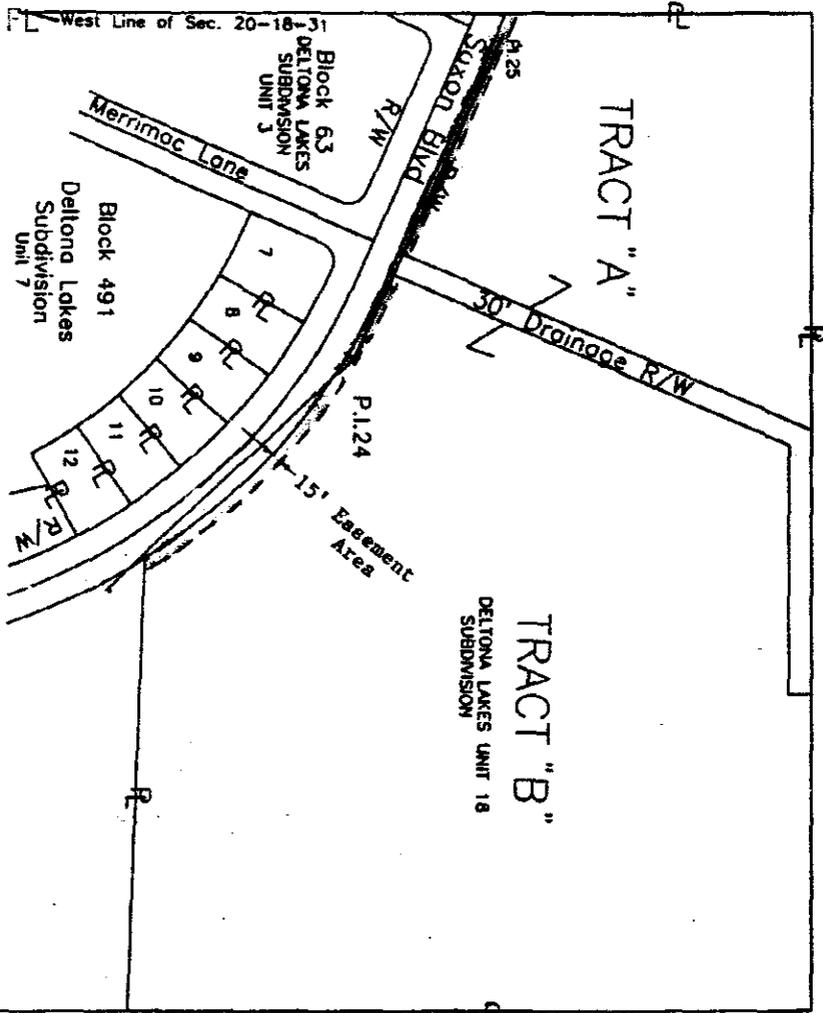
LESS AND EXCEPTING THEREFROM, that portion of said Tract "B" lying Southerly of the following described line:

Commence at the Southeast corner of the SW 1/4 of the SW 1/4 of Section 20, Township 18 South, Range 31 East, as shown on said plat of Deltona Lakes Unit Eighteen; thence run  $N01^{\circ}05'45''W$  along the East boundary line of said Tract "B" for a distance of 459.92 feet to the POINT OF BEGINNING of the line hereinafter described; thence  $S88^{\circ}52'50''W$ , parallel with the South line of aforesaid SW 1/4 of the SW 1/4 of Section 20, for a distance of 601.49 feet to the Point of Termination of said line, said point being on the Easterly Right-of-Way Line of Saxon Boulevard as shown on said plat of Deltona Lakes Unit Eighteen.

Containing 15.96 acres, more or less.

*JHR*  
EASEMENT MAY BE USED FOR PARKING & DRIVEWAY, BUT NO  
STRUCTURES TO BE BUILT THEREON, BY GRANTOR.

VOLUSIA CO. FL - West Line of Sec. 20-18-31



VOLUSIA COUNTY  
 SEC. 20, T-18-S, R-31-E

Revised 9/20/88

	<b>TRANSMISSION ENGINEERING</b> ENGINEERING 1-18-18 P-31-E SEC. 20 T-18-S, R-31-E Volusia Co., Florida
	11-2007

158538



03/30/2007 03:29 PM  
 Doc stamps .70  
 (Transfer Amt \$ 10)  
 Instrument# 2007-074206 # 1  
 Book : 6034  
 Page : 310

# DISTRIBUTION EASEMENT

Attachment number 5 Page 1 of 1

**KNOW ALL MEN BY THESE PRESENTS**, that the undersigned, their heirs, successors, lessees and assigns (“**GRANTOR**”), in consideration of the mutual benefits, covenants and conditions herein contained, did grant and convey to **FLORIDA POWER CORPORATION** doing business as **PROGRESS ENERGY FLORIDA, INC.**, a Florida corporation (“**GRANTEE**”), Post Office Box 14042, St. Petersburg, Florida 33733, and to its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, an easement to install, operate and maintain in perpetuity, such facilities as may be necessary or desirable for providing electric energy and service and communication systems (i.e. Switchgear) by **GRANTEE**, said facilities being located in the following described “Easement Area” within **GRANTOR’S** premises in Volusia County, to wit:

A 10 foot wide Easement Area defined as lying 5 feet on each side of Grantee’s facilities to be installed at mutually agreed upon locations over, across and through the following described property to accommodate present and future development.

LOT 2, 3, 4 AND COMMON AREA FOR RETIREMENT COMMUNITY AT STERLING PARK, MASTER PLANNED UNIT DEVELOPMENT (MPUD) MAP BOOK 53 PAGE 59 OF VOLUSIA COUNTY

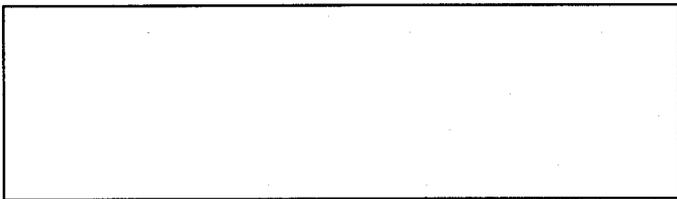
**Tax Parcel Number:** 30-18-31-78-00-0020; 0030; 0040; 0001

The rights herein granted to **GRANTEE** by **GRANTOR** specifically include: (a) the right for **GRANTEE** to patrol, inspect, alter, improve, repair, rebuild, relocate, and remove said facilities; further **GRANTEE** hereby agrees to restore the Easement Area to as near as practicable the condition which existed prior to such construction, repairs, alteration, replacement, relocation or removal as a result of **GRANTEE’S** safe and efficient installation, operation or maintenance of said facilities; (b) the reasonable right for **GRANTEE** to increase or decrease the voltage and to change the quantity and type of facilities; (c) the reasonable right for **GRANTEE** to clear the Easement Area of trees, limbs, undergrowth and other physical objects which, in the opinion of **GRANTEE**, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (d) the reasonable right for **GRANTEE** to trim or remove any timber adjacent to, but outside the Easement Area which, in the reasonable opinion of **GRANTEE**, endangers or interferes with the safe and efficient installation, operation or maintenance of said facilities; (e) the reasonable right for **GRANTEE** to enter upon land of the **GRANTOR** adjacent to said Easement Area for the purpose of exercising the rights herein granted; and (f) all other rights and privileges reasonably necessary or convenient for **GRANTEE’S** safe and efficient installation, operation and maintenance of said facilities and for the enjoyment and use of said easement for the purposes described above. The rights and easement herein granted are non-exclusive as to entities not engaged in the provision of electric energy and service and **GRANTOR** reserves the right to grant rights to others affecting said easement area provided that such rights do not create an unsafe condition or unreasonably conflict with the rights granted to **GRANTEE** herein.

**GRANTOR** hereby covenants and agrees that no buildings, structures or obstacles (except fences) shall be located, constructed, excavated or created within the Easement Area. If the fences are installed, they shall be placed so as to allow ready access to **GRANTEE’S** facilities and provide a working space of not less than six feet (6’) on the opening side and one foot (1’) on the other three sides of any pad mounted transformer. If **GRANTOR’S** future orderly development of the premises is in physical conflict with **GRANTEE’S** facilities, **GRANTEE** shall, within 60 days after receipt of written request from **GRANTOR**, relocate said facilities to another mutually agreed upon Easement Area in **GRANTOR’S** premises, provided that prior to the relocation of said facilities (a) **GRANTOR** shall pay to **GRANTEE** the full expected cost of the relocation as estimated by **GRANTEE**, and (b) **GRANTOR** shall execute and deliver to **GRANTEE**, at no cost, an acceptable and recordable easement to cover the relocated facilities. Upon the completion of the relocation, the easement herein shall be considered cancelled as to the portion vacated by such relocation. This legal description was provided by **GRANTOR**. In the event facilities are located outside of this legal description, **GRANTOR** shall pay for any relocation costs necessary or shall amend this legal description to cover the actual facilities.

This document prepared by R. Alexander Glenn  
 Return to: Progress Energy Florida, Inc.  
 3300 Exchange Place  
 Lake Mary, Florida 32746

SEC. 30  
 TWP. 18  
 RGE. 31  
 COUNTY Volusia  
 GRANTOR Deltona Retirement Residence, LLC  
 PROJECT



GRANTOR covenants not to interfere with GRANTEE's facilities within the Easement Area in GRANTOR's premises, and GRANTOR further covenants to indemnify and hold GRANTEE harmless from any and all damages and injuries, whether to persons or property, resulting from interference with GRANTEE's facilities by GRANTOR or by GRANTOR's agents or employees.

GRANTEE agrees to indemnify and hold GRANTOR harmless for, from and against any and all losses, claims or damages incurred by GRANTOR arising directly from GRANTEE's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of GRANTEE's facilities located on the above described easement.

Attachment number 5 in Page 2 of

GRANTOR hereby warrants and covenants (a) that GRANTOR is the owner of the fee simple title to the premises in which the above described Easement Area is located, (b) that GRANTOR has full right and lawful authority to grant and convey this easement to GRANTEE, and (c) that GRANTEE shall have quiet and peaceful possession, use and enjoyment of this easement.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the heirs, successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the said GRANTOR has caused this easement to be signed in its corporate name by its proper officers thereunto duly authorized and its official corporate seal to be hereunto affixed and attested this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

ATTEST:

Secretary

Printed or Type Name

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

Signature of First Witness

Print or Type Name of First Witness

Signature of Second Witness

Print or Type Name of Second Witness

State of Oregon )  
County of Marion ) ss

GRANTOR:

Deltona Retirement Residence, LLC

Name of Corporation  
BDN Management Corp.

Manager

By: William E Colson

William E. Colson, President

Grantor(s) mailing address:

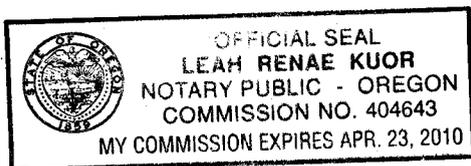
P.O. Box 14111

Salem, OR

The foregoing Easement was acknowledged before me this 14th day of February, 2007, by William E. Colson, President of BDN Management Corp. and as a manager, its President and its Secretary, respectively of Deltona Retirement Residence LLC, an Oregon (state) LLC Corporation, on behalf of the LLC who are personally known to me or who have produced \_\_\_\_\_ as identification and who did/did not take an oath.

CORPORATE SEAL

NOTARY SEAL



Leah Renae Kuor  
Name: Leah Renae Kuor  
Notary Public for Oregon  
Serial Number: 404643  
My Commission Expires: 4/23/2010

**THIS DOCUMENT PREPARED BY  
AND SHOULD BE RETURNED TO:**

Borron J. Owen, Jr., Esquire  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Suite 1400  
Orlando, Florida 32801  
Telephone: (407) 843-8880

**EASEMENT**

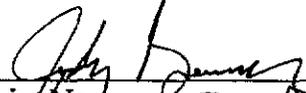
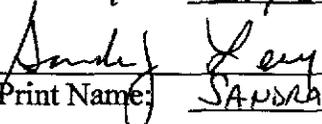
KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations in hand paid, the sufficiency and receipt of which are hereby acknowledged, **ADVENTIST HEALTH SYSTEM/SUNBELT, INC.**, a Florida not-for-profit corporation, doing business as Florida Hospital, ("Grantor"), does hereby grant and bestow unto the **SCHOOL BOARD OF VOLUSIA COUNTY** ("Grantee"), its successors and assigns, a non-exclusive, perpetual twenty (20) foot wide utility easement, free and clear of any and all encumbrances, with right in and to, over and under, all of that certain real property situate and being in Volusia County, Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference (the "Property"), for the purposes of installation and/or repair of underground water and sewer lines and related facilities, including rights of ingress and egress necessary thereto, reserving specifically unto Grantor the right to pave over all or part of the Property for a roadway, sidewalks, parking and/or driveways. By the acceptance of this Easement as evidenced by the recording of this instrument among the Public Records of Volusia County, Florida, Grantee agrees (i) to size the water and sewer lines and related facilities sufficient to accommodate Grantor's development of Grantor's real property adjacent to the Property ("Grantor's Property"), (ii) to allow Grantor, at no cost or connection fee to Grantor, to tie into both the water and sewer lines and related facilities when Grantor develops Grantor's Property, (iii) to construct the water and sewer lines and related facilities in a good, workmanlike manner sufficient to allow the same to be dedicated as described in (v) hereafter, (iv) to maintain and repair the same until dedication, and (v) at such time as both Grantor and Grantee use the water and sewer lines and related facilities, to join with Grantor in dedicating such lines and related facilities to Florida Water Services Corporation, a Florida corporation, or its successors or assigns.

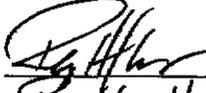
Grantor hereby covenants with Grantee that Grantor is lawfully seized and in possession of the Property and that Grantor has good and lawful right to grant the easement described above.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal this 18th day of April, 2003.

Signed, sealed and delivered in the presence of:

**ADVENTIST HEALTH SYSTEM/  
SUNBELT, INC.**, a Florida not-for-profit corporation, doing business as **FLORIDA HOSPITAL**

  
Print Name: TONY BARONY  
  
Print Name: SANDRA J LEUY

By:   
Name: Kandy Haffner  
Title: SVP & COO/Orlando

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 18th day of April, 2003 by Randy Mayhew, as SVP + COO Orlando of Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation, doing business as Florida Hospital, on behalf of the corporation.

Betty Sue Bond  
Signature of Notary Public

Betty Sue Bond  
(Print Notary Name)

My Commission Expires: \_\_\_\_\_

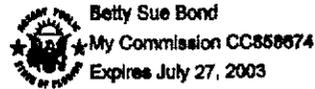
Commission No.: \_\_\_\_\_

Personally known, or

~ Produced Identification

Type of Identification Produced

AFFIX NOTARY STAMP



**Blackwell & Associates  
LAND SURVEYORS, INC.**

995 West Volusia Avenue  
DeLand, Florida 32720  
(386) 734-8050  
(fax) 734-7844

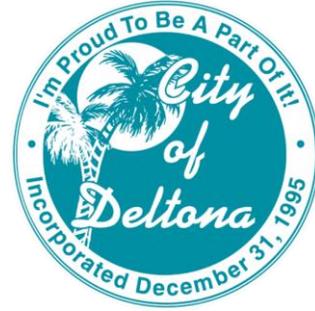
**EXHIBIT "A"**

**EASEMENT DESCRIPTION FOR THE VOLUSIA  
COUNTY SCHOOL BOARD**

**April 29, 2003**

**20 ft. Easement**

The South 20.00 feet of Tract "B", Deltona Lakes, Unit Eighteen, as recorded in Map Book 25, Pages 245 and 246, Public Records of Volusia County, Florida, lying north of and adjacent to the north line of Saxon Medical Park, as recorded in Map Book 43, Page 132, Public Records of Volusia County, Florida, being described as follows: Beginning at the northeast corner of said Saxon Medical Park, run thence S88°51'06"W along the north line thereof a distance of 601.47 feet to a point on the easterly right of way line of Saxon Blvd. (a 70 ft. right of way) said point being on a curve concave to the southwest, having a central angle of 01°25'00" and a radius of 814.64 feet; thence from a radial bearing of N82°43'55"E run northwesterly along the arc of said curve a distance of 20.14 feet; thence from a radial bearing of N81°18'55"E run N88°51'06"E parallel with the north line of said Saxon Medical Park a distance of 603.88 feet to the east line of said Tract "B"; thence S01°06'10"E along said east line a distance of 20.00 feet to the Point of Beginning; said parcel containing 0.28 acres, more or less.



# Memorandum

## STAFF REPORT

**From:** Chris Bowley, AICP  
Director, Planning & Development Services

**Date:** October 7, 2014

**Re:** Saxon Sterling Silver BPUD Final Plat Application (FP14-003)

---

### I. SUMMARY OF APPLICATION:

**Applicant:** Deltona Retail Investment, LLC

**Request:** The City received a Final Plat application to replat  $\pm 7.38$  acres of lots 2 and 4 within the existing Retirement Community at Sterling Court MPUD. The proposed parent parcel includes the Tract B, the vacated Road B, Tract C, and several specific purpose easements in favor of entities, such as Florida Power Corporation/Progress Energy, now Duke Energy, access and utility easements, and the Volusia County School Board.

The proposed replat will become the Saxon Sterling Silver BPUD Final Plat that will create three (3) lots. The parent parcel will remain at  $\pm 7.38$  acres and include a  $\pm 4.41$  acre tract for a proposed WalMart Neighborhood Center grocery facility, a  $\pm 1.62$  acre tract for a  $\pm 14,500$  SF multi-tenant retail center, and a  $\pm 1.35$  acre tract for stormwater retention Tract A. The Duke Energy and Volusia County School Board easements will remain in place and unaltered. Tract B and the 24-ft. wide easement along the eastern property boundary on the current plat will be replaced by 20-ft. wide utility/access easements. The easement along the eastern property line will include a 12-ft. wide driveway to serve a City lift station on the School Board property. Finally, there will also be an off-site cross-access easement for access through the Saxon Medical Plaza to the south.

#### A. SITE INFORMATION:

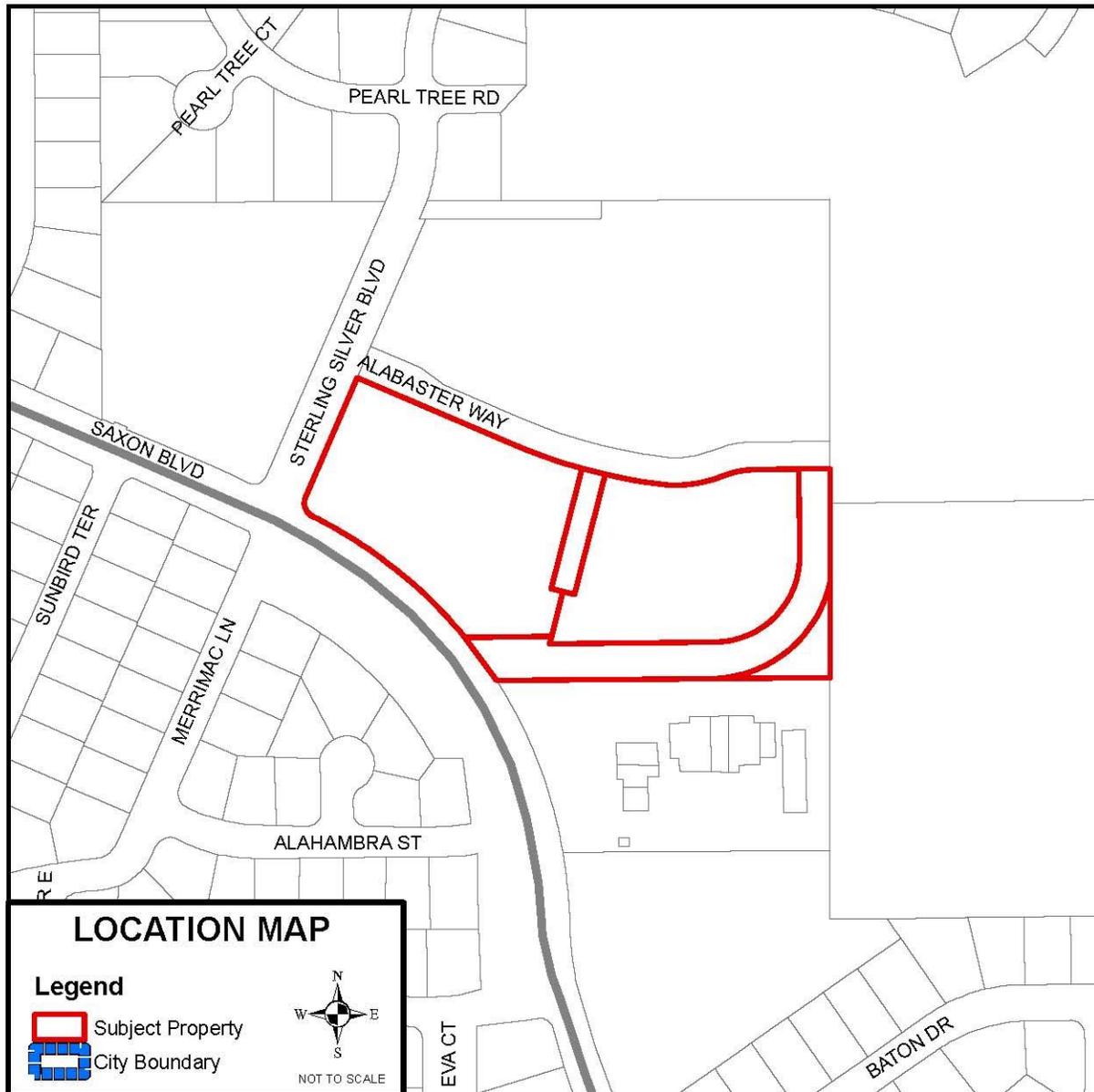
**Tax Parcel No.:** 30-18-31-78-00-0020, 30-18-31-78-00-0040, 30-18-31-78-00-000B, 30-18-31-78-00-0001, & 30-18-31-78-00-0003.

*Page 1 of 6*

**Property Acreage:** ±7.38 acres

**Property Location:** Located at the northeast corner of the intersection of Saxon Boulevard and Sterling Silver Boulevard.

**Legal Description:** Lots 2 and 4, Tracts B, C, and Road B, Retirement Community at Sterling Park MPUD, according to the plat thereof as recorded in Map Book 53, Pages 59 and 60 of the public records of Volusia County, Florida. Road B having been vacated pursuant to Ordinance 02-2008 of the City of Deltona, Volusia County, Florida, Recorded in Official Record Book 6188 Page 627, Public Records of Volusia County, Florida.



**Figure 1: Location Map**

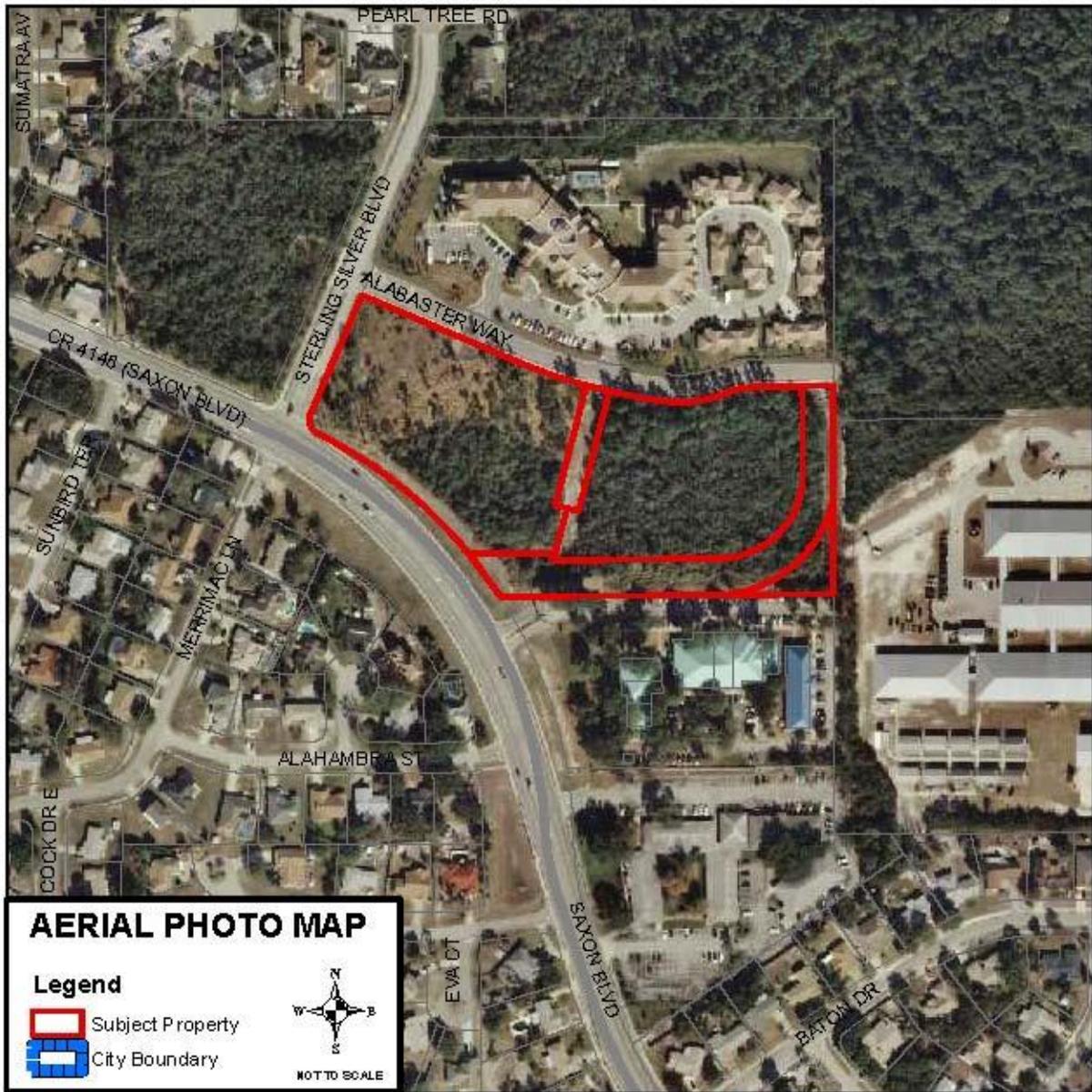


Figure 2: Aerial Photo

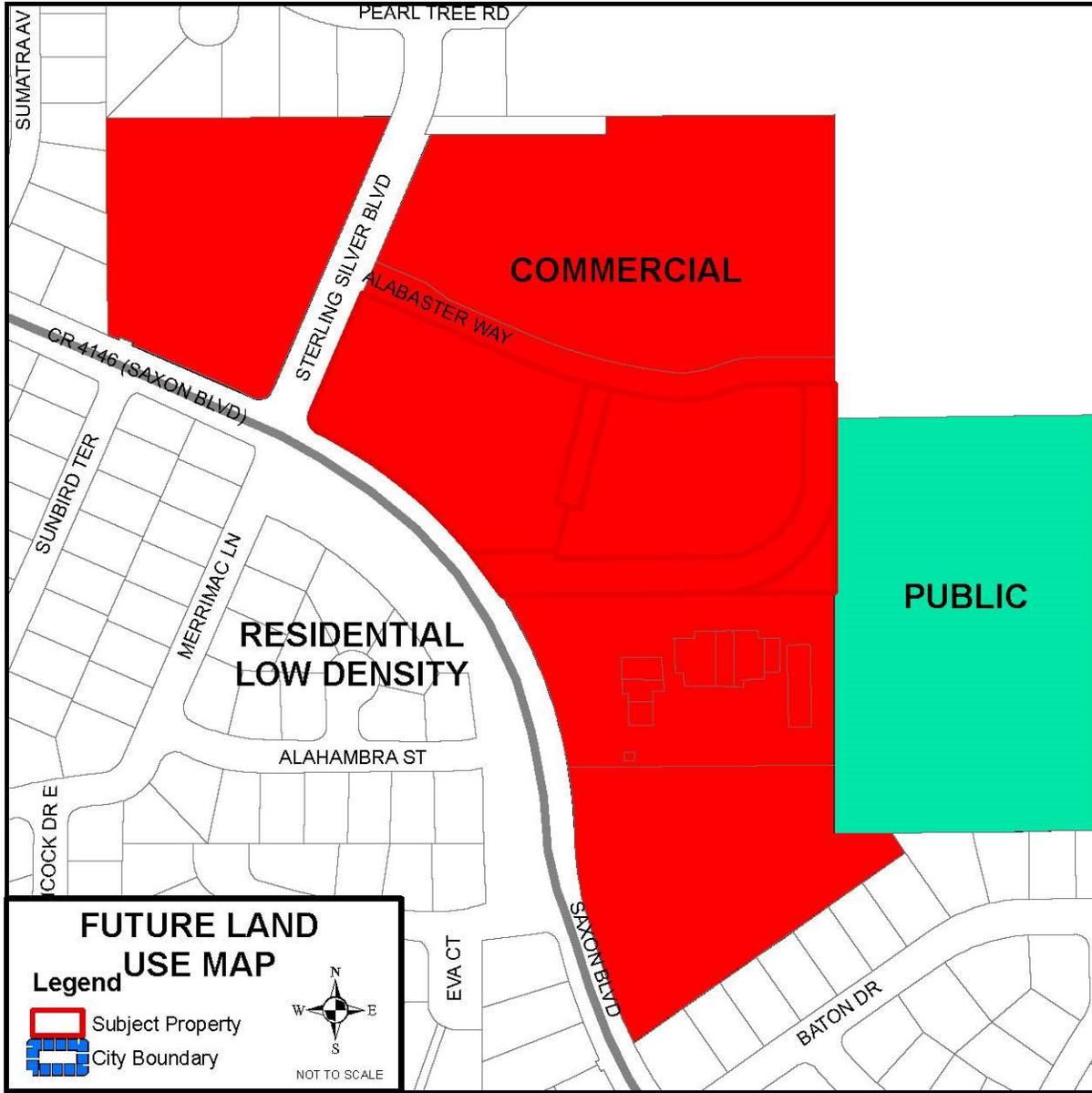


Figure 3: Future Land Use Map

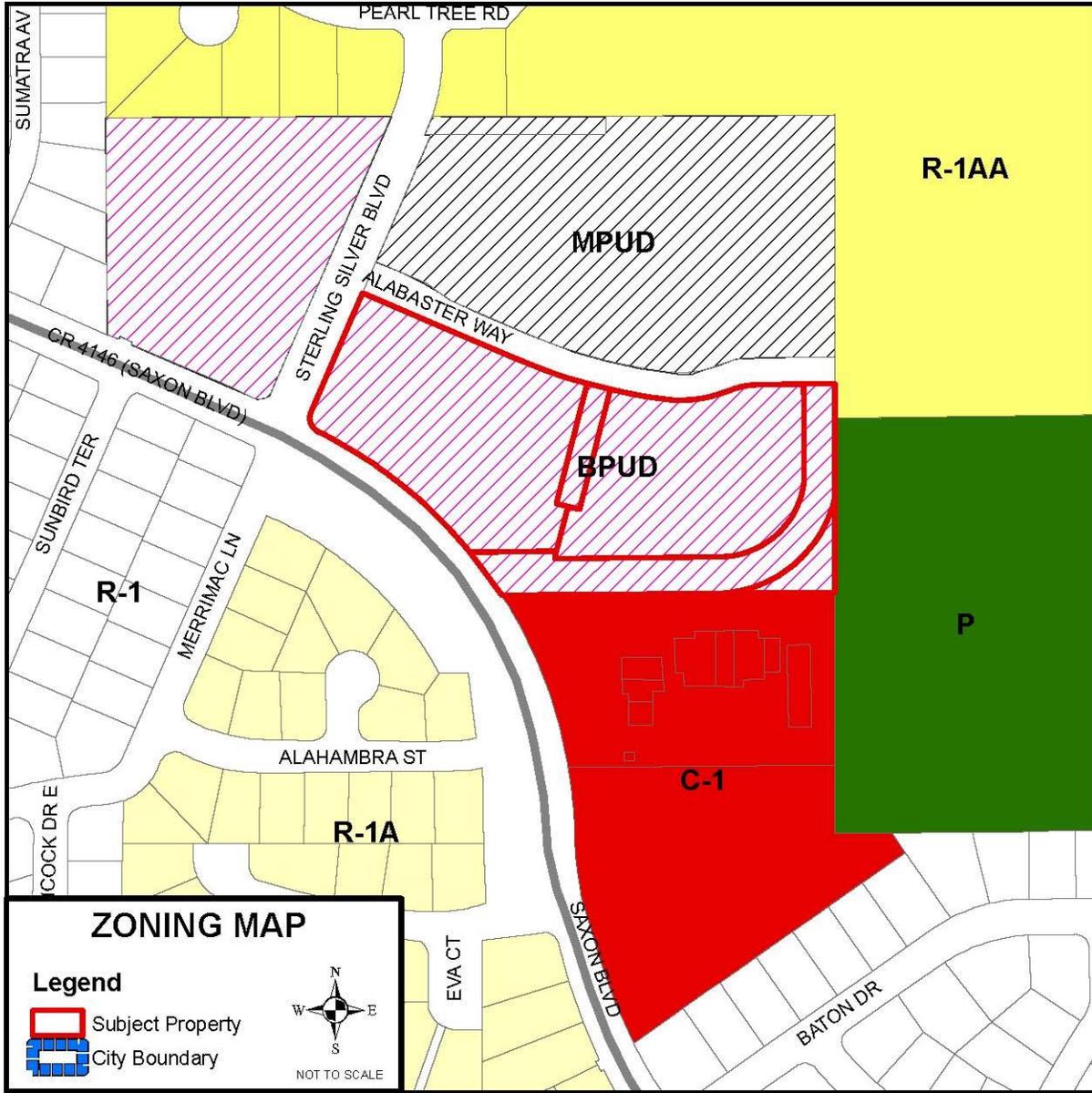


Figure 4: Zoning Map

**B. Existing Zoning:****1. Subject Property:**

Business Planned Unit Development (BPUD)

**2. Adjacent Properties:**

North: Mixed Planned Unit Development (MPUD)

South: Retail Commercial (C-1)

East: Public (P)

West: Business Planned Unit Development (BPUD)

**C. Background:**

The subject parcels are lots 2 and 4 within the recorded Retirement Community at Sterling Park MPUD Final Plat. The intent of the Retirement Community at Sterling Park MPUD Final Plat was to create a mixed-use development with four (4) lots and limited commercial and office potential on lots 1, 2, and 4. Lot 3 was proposed and developed as an independent living facility, known as Sterling Court retirement community.

The remaining lots 1, 2, and 4 have remained vacant, since the development of lot 3. Over time, the original development program was considered for re-entitlement and the three remaining lots were rezoned as the Saxon Sterling Silver BPUD. The proposed development on lot 1 will utilize the existing underlying Retirement Community at Sterling Park MPUD Final Plat, since no changes to the configuration of that lot are proposed. However, lots 2 and 4 are proposed for subdivision for the planned WalMart Neighborhood Center on lot 1 and commercial retail on lot 2 of the Saxon Sterling Silver BPUD Final Plat.

**D. Support Information Public Facilities:**

- a. Potable Water: to be supplied by Deltona Water
- b. Sanitary Sewer: to be supplied by Deltona Water
- c. Fire Protection: Deltona Fire Department, Station 61
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: Duke Energy.

**CONCLUSION/STAFF RECOMMENDATION:**

Staff recommends approval of the Saxon Sterling Silver BPUD Final Plat. Peer review by a professional surveyor was incorporated within the review process and determined that the proposed Saxon Sterling Silver BPUD Final Plat meets the requirements of Chapter 177.041, Florida Statutes.

After recording, please return to:  
Callison Tighe & Robinson, LLC  
1812 Lincoln Street, Suite 200  
Columbia, SC 29201  
ATTN: Andrew C. English III

STATE OF FLORIDA            )  
  )  
COUNTY OF VOLUSIA        )

**EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT** ("Agreement") is made this 15 day of October, 2014, by and between **SAXON MEDICAL PARK CONDOMINIUM ASSOCIATION, INC.**, a Florida corporation (the "Association") and **DELTONA RETAIL INVESTMENT, L.L.C.**, a South Carolina limited liability company ("DRI").

**RECITALS:**

WHEREAS, DRI is the fee simple owner of certain real property located in Volusia County, Florida, said property being more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the "DRI Property");

WHEREAS, the Association is the fee simple owner of certain real property located in Volusia County, Florida, said property being more particularly described on Exhibit B, attached hereto and incorporated herein by reference (the "Association Property");

WHEREAS, DRI intends to construct and develop a shopping center upon the DRI Property (the "Shopping Center");

WHEREAS, in furtherance of the development and use and enjoyment of each of the Association Property and the DRI Property, the parties are desirous of entering into the within Agreement, upon the terms, provisions and conditions as set forth herein; and

WHEREAS, the easements and other agreements set forth in this Agreement constitute a benefit to the Association as well as to each member, owner, unit owner or shareholder, as the case may be, of the Association.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, the foregoing recitals, the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Grant of Easements to DRI.

(a) Grant of Access Easement. The Association hereby grants unto DRI, its successors and assigns, for the benefit of the DRI Property, a permanent and non-exclusive right and easement over the existing driveway, as such driveway and surrounding area may be modified or improved in accordance with this Agreement (the "Driveway"), located within the Association Property in the area shown as "Proposed Access Easement" on Exhibit C attached hereto and incorporated herein by reference (hereinafter, the "Access Easement Area"), for access, ingress and egress to and from the DRI Property, or any portion thereof. DRI shall have the right to improve and/or alter the Driveway and construct other improvements in a good and workmanlike manner within the Access Easement Area as are reasonably necessary or desirable to facilitate DRI's development plans for the DRI Property and use of the Driveway and Access Easement Area as an entrance way to the Shopping Center to be developed upon the DRI Property; provided, however, that any such construction activities within the Access Easement Area shall not unreasonably impair access to the Association Property. It is acknowledged, however, that access to the Association Property by means of the Access Easement Area will necessarily be affected to some extent during construction activities by DRI within the Access Easement Area, which may include temporary lane closures within the Driveway (which shall not be considered an unreasonable impairment hereunder), but DRI agrees that at least one lane of the Driveway shall remain open for vehicular traffic at all times. It is expressly understood and agreed that no parking rights of any kind are created hereby within the Driveway or the Access Easement Area. Notwithstanding anything to the contrary in the foregoing, no heavy duty construction trucks shall have the right to use the Driveway or the Access Easement Area for access to the DRI Property in connection with the initial construction and development of the DRI Property; provided, however, that the foregoing limitation shall not apply with respect to construction being performed within the Access Easement Area or in connection with any improvement to the Driveway or other improvements that may be contemplated under this Agreement, and shall also not limit the use of the Driveway or Access Easement Area for general shopping center purposes and uses incidental to the operation and maintenance of a shopping center.

(b) Grant of Temporary Construction Easement and Permanent Slope Easement. In furtherance of the completion of the improvements to the Driveway and any other improvements or work authorized to be performed by DRI within the Access Easement Area pursuant to this Agreement, the Association hereby grants unto DRI, its successors and assigns, a

temporary, non-exclusive and appurtenant easement for the filling, grading and lateral support for the improvements to the Driveway and other work to be performed within the Access Easement Area in the area shown on Exhibit C as "Proposed Temporary Construction Easement".

(c) Maintenance of Access Easement Area and Driveway. DRI agrees to bear all costs and expenses related to the maintenance of and repairs to the Access Easement Area and Driveway, including but not limited to the filling of potholes, the necessary repair of cracks or fissures, and the resurfacing of the paving of the Driveway within the Access Easement Area when necessary. DRI shall maintain the Access Easement Area and Driveway in a state of good condition and repair commensurate with other first class shopping center developments in the area in which the DRI Property is situate.

2. Grant of Access Easement to the Association. DRI hereby grants unto the Association, its successors and assigns, for the benefit of the Association Property, a non-exclusive right and easement over any existing driveways which may from time to time be developed and located upon the DRI Property, it being expressly understood that the easement rights granted herein only apply to such roads as may be actually constructed upon the DRI Property from time to time, that the location of any such roads or rights-of-way may change from time to time in the sole discretion of DRI (or its successors and assigns), and that DRI has no obligation to construct or to keep open any such roads or rights-of-way upon the DRI Property. It is expressly understood and agreed that no parking rights of any kind are created hereby with respect to the DRI Property or any roads or rights-of-way that may be developed thereon. It is further expressly understood and agreed that any use of the roads or rights-of-way upon the DRI Property must be in compliance with and subject to all rules and regulations generally imposed for the use of such roads and rights-of-way upon the DRI Property.

3. Installation and Maintenance of Landscape Buffer and Entrance Way. DRI shall restore any portions of the Association Property that are disturbed in connection with the activities of DRI authorized under this Agreement as close as possible to the state in which they existed prior to any activities of DRI upon the Association Property, and the Association shall replace or repair such landscaping as may be reasonably necessary to restore any disturbed areas of the Association Property to the condition in which they existed prior to entry upon the Association Property by DRI. In addition, DRI shall install and maintain a landscape buffer within the area shown and identified on Exhibit C as "Proposed Landscape Buffer", which landscape buffer shall be of a nature commensurate to that of other first class shopping center development in the area in which the DRI Property is situate.

4. Further Assurances. Each party hereto agrees to give further assurances to each other party hereto, by way of executing such other and further instruments and documents as may be reasonably necessary to effectuate and carry out the intents and purposes of this Agreement. In addition, the Association agrees to further cooperate with DRI as may be reasonably necessary to accommodate any changes in the development plans of DRI for the DRI Property including enlarging the easement area as may be reasonably required by DRI development plans.

5. Agreement to Dedicate/Cooperation. The Association agrees to cooperate with DRI in connection with the dedication or grant of any utilities located within the Utility Easement Area to the applicable public authority, and the Association agrees to execute any such grants, instruments and documents as may be required by the City, the County and/or any other governmental or political subdivisions with jurisdiction in connection with such grants or dedications.

6. Indemnification. Each of the parties hereby agrees to indemnify and hold the other party harmless of and from any claims, losses, causes of action and damages arising out of any negligent act or omission of a party, or its agents, employees, licensees or invitees relating to the use of the easements contained herein, unless such claims, losses, causes of action and damages arise from the negligent acts or omissions of the other party, or its respective agents, employees, licensees or invitees.

7. Compliance With Laws. The parties each agree to comply with all applicable laws and regulations in their activities hereunder and their use of the easements and rights granted herein and all parties hereto agree that the rights and responsibilities contained in this Agreement shall be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations.

8. Covenants Running With the Land. The benefits and burdens of the agreements, easements and rights granted and contained herein shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns and are covenants running with the title to the properties described herein.

9. Applicable Law. This instrument shall be construed in accordance with the laws of the State of Florida.

10. Entire Agreement. This Agreement constitutes the entire agreement of the parties and the same may not be amended or modified orally. All understandings and agreements heretofore had between the parties are merged in this Agreement, which alone fully and completely expresses their understanding.

11. Variation in Pronouns. All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural, as the identity of the party or parties, or their personal representatives, successors and assigns may require.

12. Severability. If any provision of this Agreement, or the application thereof to any person or circumstances, shall for any reason and to any extent be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.

13. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original copy and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.

14. Authority. The Association represents and warrants to DRI that the Association owns fee simple title to the DRI Property and that the Association is duly authorized, by all necessary corporate action and in accordance with all applicable provisions of its bylaws or other governing documentation, to enter into this Agreement and perform all obligations of the Association set forth herein, such that the Association shall be bound by all terms and provisions of this Agreement. The Association further represents and warrants that the individual executing this Agreement on behalf of the Association has full power and authority to do so and execution by said individual shall be binding upon the Association. In addition, the Association expressly acknowledges and confirms that the easements and other agreements set forth in this Agreement constitute a benefit to the Association as well as to each member, owner, unit owner or shareholder, as the case may be, of the Association.

**[SIGNATURES ON FOLLOWING PAGE(S)]**



IN WITNESS WHEREOF, the undersigned has executed this Easement Agreement as of the day and year first above written.

**DRI:**

Marianne M. Kelly

**DELTONA RETAIL INVESTMENT, L.L.C., a South Carolina limited liability company**

Stacy B. Lane

**By: WRS Inc., a South Carolina corporation, its manager**

**By:** Arthur J. Kepes  
**Name: Arthur J. Kepes**  
**Title: Executive Vice President**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

I, Marianne M. Kelly, a Notary Public of said County and State, certify that Arthur J. Kepes, Executive Vice President of WRS Inc., Manager of Deltona Retail Investment, L.L.C., a South Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. He/she is personally known to me or has produced his/her driver license as identification.

Witness my hand and official seal, this 13<sup>th</sup> day of October, 2014.



Marianne M. Kelly  
Notary Public for South Carolina  
My commission expires: July 28, 2019

**EXHIBIT A****DRI PROPERTY**

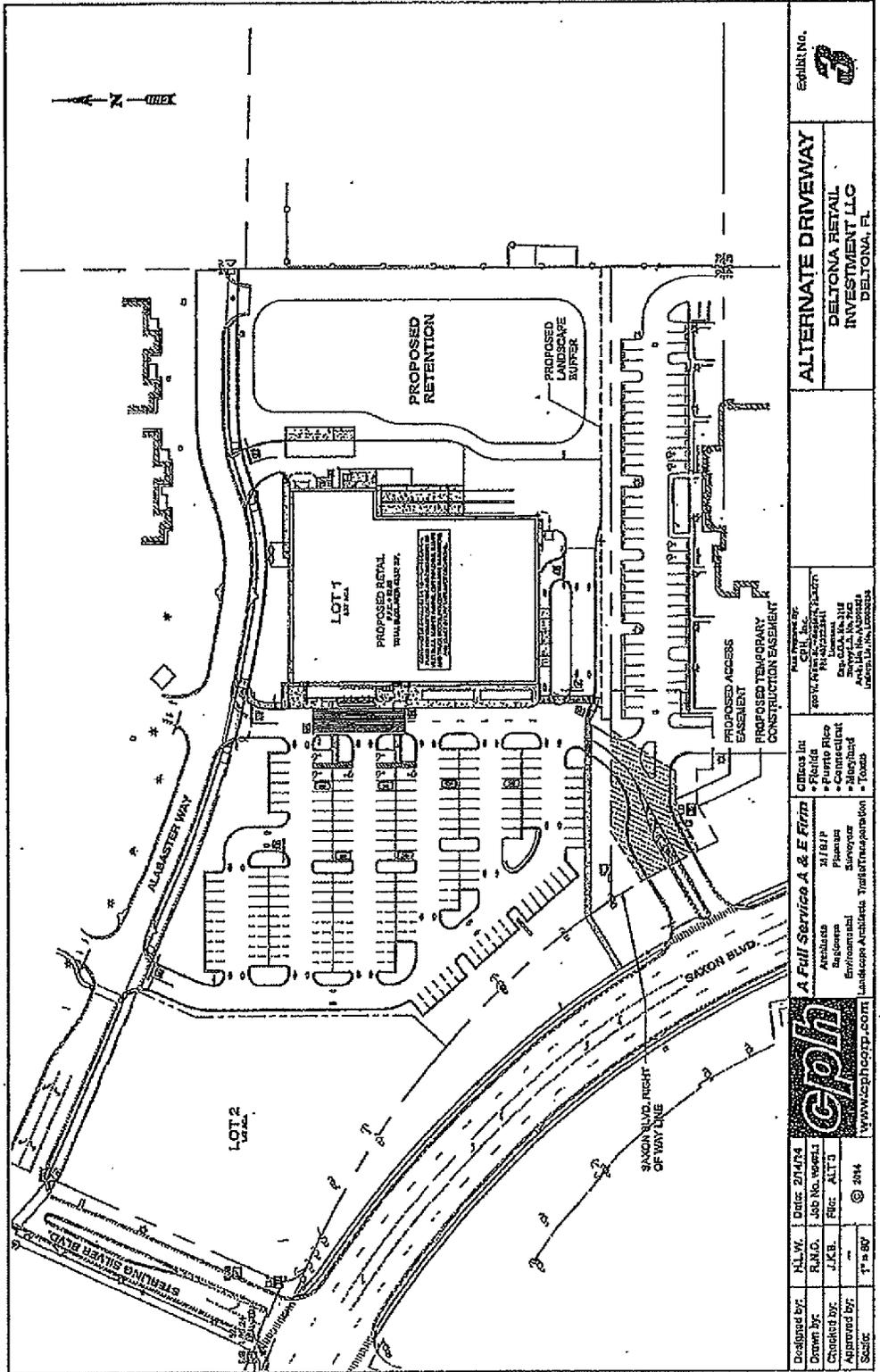
All those certain pieces, parcels or lots of land lying and being in Volusia County, Florida, being identified as Lot 2, Lot 4, Tract "B", Tract "C" and Road "B" on that certain plat prepared for Retirement Community at Sterling Park by Sliger & Associates, Inc. recorded in Plat Book 53 at Pages 59 and 60, Volusia County records, with reference to said plat being hereby craved, said property being identified as Volusia County Parcel ID Numbers 30-18-31-78-00-0020, 30-18-31-78-00-0040, 30-18-31-78-00-0001, 30-18-31-78-00-0003 and 30-18-31-78-00-0008.

**EXHIBIT B**

**ASSOCIATION PROPERTY**

All that certain piece, parcel or lot of land lying and being in Volusia County, Florida, being more particularly described on that certain plat prepared for Saxon Medical Park, a condominium, by Professional Land Surveying Services recorded in Plat Book 43 at Page 132, Volusia County records, with reference to said plat being hereby craved, said property being identified as Volusia County Parcel ID Number 20-18-31-03-00-0001.

**EXHIBIT C**  
**[SEE ATTACHED]**



Developed by: Drawn by: Checked by: Approved by: Scale:	Date: 2/14/14 Job No. 14011 J.K.B. / A.T.S. © 2014 1414188587.pdf	<b>GPH</b> A Full Service A & E Firm Architects Engineers Environmental Landscape Architects 1414188587.pdf	Cities in • Florida • Puerto Rico • Connecticut • Maryland • Texas	For Plans by: GPH, Inc. 2851 W. 47th Street, Suite 100 Deltona, FL 32738 Tel: 407.253.1111 Fax: 407.253.1112 www.gphinc.com	ALTERNATE DRIVEWAY DELTONA RETAIL INVESTMENT LLC DELTONA, FL	EXHIBIT NO. <b>3</b>
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STATE OF FLORIDA )  
 )  
COUNTY OF VOLUSIA )

**JOINDER & CONSENT**

**COMMUNITY & SOUTHERN BANK** hereby certifies that it is the holder of a mortgage, lien or other encumbrance upon the property shown, and described plat entitled "Saxon Sterling Silver BPUD being a replat of Lot 2, Lot 4, Tract "B", Tract "C", and Road "B" (Vacated), Retirement Community at Sterling Park M.P.U.D. Map Book 53, Pages 59 & 60, of the Public Records of Volusia County, Florida, Located in Section 20, Township 18 South, Range 31 East, City of Deltona, Volusia County, Florida", located in the County of Volusia, State of Florida, does hereby join in, and consent to, the dedication, shown on the plat, of the lands therein, and described by the owner thereof, and agree that its mortgage, lien, or other encumbrance, which is recorded in Official Records Book 7044, at page 1356, of the public records of Volusia County, Florida, shall be subordinated to the said dedication. In witness whereof: has caused these presents to be signed in its corporation name by its corporate name by its Senior Vice President, its corporate seal to be hereunto affixed and attested by its Senior Vice President this 27 day of October, 2014.

WITNESSES:

**COMMUNITY & SOUTHERN BANK**

[Signature]

Witness #1  
Name: Tandy Tarr

[Signature]

Witness #2  
Name: Carol L. Stone

By: [Signature]

Name: JASON D. BROWN

Its: Senior Vice President

State of Georgia )

County of Cobb )

The foregoing instrument was acknowledged before me this 27 day of October, 2014, by Jason D. Brown, as Senior Vice President of Community & Southern Bank, who is personally known to me or has produced as identification.

Notary public.

[Signature]

(Signature)

Karen Thomason

(Print Name)

Commission Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 11/3/2014  
**FROM:** Dale Baker, Acting City Manager      **AGENDA ITEM:** 8 - B  
**SUBJECT:** Ordinance No. 28-2014; Repealing Chapter 36, "Deltona Rental Regulatory License Ordinance," for first reading.

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<b>LOCATION:</b>	City wide
<b>BACKGROUND:</b>	At the Commission Workshop of October 13, 2014, the City Commission decided that the City should repeal the recently enacted Rental Regulatory Ordinance.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Building and Enforcement Services Director, Finance Director, City Attorney, Acting City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney – That the City Commission adopt Ordinance No. 28-2014 at first reading, and to schedule second and final reading for November 17, 2014.
<b>POTENTIAL MOTION:</b>	"I hereby move that the City Commission adopt Ordinance No. 28-2014 at first reading, and to schedule second and final reading for November 17, 2014."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Dale Baker, Acting City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Rental Regulatory - Repeal (Ordinance No. 28-2014)</li></ul>

**ORDINANCE NO. 28-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA,  
REPEALING CHAPTER 36, "DELTONA RENTAL REGULATORY  
LICENSE ORDINANCE"; AND PROVIDING FOR CONFLICTS,  
SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA,  
FLORIDA:**

**SECTION 1.** Chapter 36, "Deltona Rental Regulatory License Ordinance," is hereby repealed as follows:

~~Sec. 36-1. Short title~~

~~This article shall be known and may be cited as the "Deltona Rental Regulatory License Ordinance".~~

~~Sec. 36-2. Authority~~

~~This chapter is enacted under the home rule of power of the city in the interest of the health, peace, safety and general welfare of the people of the city, and pursuant to Florida Statutes, Section 166.221.~~

~~Sec. 36-3. Intent~~

~~The intent of the city commission in adopting this chapter is to i) establish reasonable and uniform regulations for the rental of residential dwelling units that will protect the health, safety, property values and general welfare of the people, businesses and industries of the city; ii) provide the means to give adequate notice to owners of residential dwelling units in the city who do not reside in that property as to their responsibilities under city codes and ordinances; iii) ensure that rental residential dwelling units are maintained in a high quality manner as required of all residential properties; and iv) maintain the tax base of the City of Deltona.~~

~~Sec. 36-4. Findings of fact~~

~~The City of Deltona is primarily a residential community composed of residential dwelling units with a mix of owner-occupied residential dwelling units and rental residential dwelling units. Historically, rental residential dwelling units in Deltona have disproportionately been the subject of code enforcement violations, and the expense of code enforcement activities by the city relating to rental residential dwelling units is disproportionately high compared to the expense of~~

~~code enforcement activities relating to owner-occupied residential dwelling units. The property values of all residential dwelling units can be dramatically negatively impacted by rental properties in the area that are not appropriately maintained in compliance with applicable city codes. The rental of a residential dwelling unit is a business that can be regulated by the city to protect the health, safety, property values and general welfare of the people, businesses and industries of the city. The ability of City of Deltona code enforcement to contact a responsible party designated by the owner of a rental property greatly aids in the successful resolution of code enforcement issues.~~

#### ~~Sec. 36-5. Definitions~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Immediate family* means any individual who is a relative or legal dependent of the property owner, to include spouse, children, step-children, parent, step-parent, foster parent, foster children, grandparent, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian.~~

~~*Local point of contact* means a person who resides or has a business location within a 50-mile radius of the subject property.~~

~~*Residential dwelling unit* means a single family residence or a duplex.~~

~~*Rent* means to lease or rent, or allow a person or persons who are not a member of the owner's immediate family to occupy, a residential dwelling unit.~~

~~*Rental inspector* means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city.~~

#### ~~Sec. 36-6. Rental Regulatory License Required; Exception~~

~~Prior to the rental of any residential dwelling unit in the City of Deltona, the owner of the property to be rented must obtain a Rental Regulatory License. In the case of a duplex, if one of the two parts of the duplex is occupied by the owner of the duplex, a Rental Regulatory License is not required for the rental of the other part of the duplex.~~

#### ~~Sec. 36-7. Rental Regulatory License Fee~~

~~The city commission of the City of Deltona shall annually, as a part of its budgeting process, set the amount of the Rental Regulatory License Fee. Such fee~~

~~shall be determined to generate revenue commensurate with the cost of the regulatory activity.~~

#### ~~Sec. 36-8. Application for license~~

~~On or before September 30 of each year, or at the same time thereafter as a residential dwelling unit is first offered for rent, an owner of a residential dwelling unit desiring to rent such residential dwelling unit shall file with the city manager, or his or her authorized designee, a sworn license application on a standard application form supplied by the city manager, or his or her authorized designee. Such application shall set forth the address of the rental property, and a local point of contact person (“Contact Person”) of each rental property. A separate Rental Regulatory License is needed for each and every tax parcel on which a rental residential dwelling unit is located. A Contact Person of one or more owners may apply for multiple Rental Regulatory Licenses, upon certifying that such person has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the Contact Person changes.~~

#### ~~Sec. 36-9. Prohibition of rental without license~~

~~It shall be unlawful for any owner of a residential dwelling unit to rent any residential dwelling unit within the city, without first obtaining a Rental Regulatory License as required by the provisions of this article.~~

#### ~~Sec. 36-10. Copies of Violations sent to Contact Person~~

~~In the event a rental residential dwelling unit, or its occupant, is cited for a code violation, a copy of the violation shall be also sent to the Contact Person of the rental residential dwelling unit.~~

#### ~~Sec. 36-11. Interior rental inspections for cause~~

~~Nothing in this Ordinance shall prohibit the rental inspector from inspecting the interior of properties if he or she has probable cause, supported by a sworn affidavit, or by invitation of the tenant or the property owner, to believe a health or safety violation exists inside the dwelling.~~

#### ~~Sec. 36-12. Emergency inspections and remediation~~

~~(a) — Nothing in this Ordinance shall limit or supplant the power of the rental inspector under the International Property Maintenance Code to placard and order the vacation of property which:~~

~~(1) — Is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public.~~

~~(2) — Lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants of the public.~~

~~(b) — Nothing in this Ordinance limits the right of the city to abate or remediate such emergency or nuisance by any other lawful means or proceedings.~~

#### ~~Sec. 36-13. Delinquencies, revocation; penalties~~

~~(a) — If a Rental Regulatory License is required under this article and it is not renewed when due and payable, it shall be deemed delinquent and subject to a delinquency fee of ten percent (10%) for the first month of delinquency, plus an additional five percent (5%) delinquency fee for each subsequent month or portion thereof that the fee remains paid. However, the total delinquency fee may not exceed twenty five percent (25%) of the Rental Regulatory License fee for the delinquent property.~~

~~(b) — Any person owning or operating a rental residential dwelling unit without first obtaining a Rental Regulatory License, if required in accordance with this article, shall be subject to a fee of twenty five percent (25%) of the license fee, in addition to any other fee or penalty provided by law or ordinance.~~

~~(c) — Any person who owns or operates a residential dwelling unit covered by this article, who does not pay the required Rental Regulatory License Fee within 150 days after the initial notice of license fee due, and who does not obtain the required license is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and an additional fee of up to \$250.00.~~

~~(d) — All costs of collection and enforcement of the terms of this article, to include attorneys' fees whether or not litigation is commenced, shall be the responsibility of the person or corporation for which a Rental Regulatory License is or was required.~~

~~(e) — Notifications to the Contact Person when applicable will be mailed by First Class U.S. Mail, or hand delivered.~~

~~(f) — As an additional means of ensuring compliance with the provisions of this article, the City of Deltona Special Magistrate shall have jurisdiction and authority to hear and decide alleged violations occurring in the corporate limits of the city and to impose administrative fines and liens for violations. Proceedings before the special magistrate shall be governed by its rules and procedures, and Chapter 162, Florida Statutes.~~

~~Sec. 36-14. Utility Accounts~~

~~Deltona Water shall require, prior to activating water and/or sewer accounts, that any applicant for service, other than the record owner of the property, provide a copy of the applicant's rental agreement. Deltona Water shall then send notification to the city of the rental with the name of the tenant, the name of the property owner, and the address of the property rented. The city shall then ensure that such property owner has a rental regulatory license for the rental property.~~

**SECTION 2. CONFLICTS.** All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

**SECTION 3. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**FIRST READING:** \_\_\_\_\_

**ADVERTISED:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CITY CLERK**

Approved as to form and legality for use  
and reliance by the City of Deltona, Florida

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**GRETCHEN R. H. VOSE, CITY ATTORNEY**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 11/3/2014

**FROM:** Becky Vose, City Attorney      **AGENDA ITEM:** 8 - C

**SUBJECT:** Public Hearing - Ordinance No. 31-2014, Adding Article VII, "Trap, Neuter, Release Program, of Chapter 14, "Animals", of the City's Code of Ordinances, relating to a one-year pilot program for trap, neuter and release of feral cats, at second and final reading.

**LOCATION:**

City-wide

**BACKGROUND:**

Acting City Manager Dale Baker requested authorization at the workshop held on October 13, 2014 to present an ordinance permitting him to institute a one-year pilot program for trap, neuter, and release to deal with the current feral cat problem in Deltona. This ordinance would permit such a pilot program to go forward.

**ORIGINATING DEPARTMENT:**

City Attorney's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Attorney

**STAFF RECOMMENDATION PRESENTED BY:**

Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 31-2014, at second and final reading.

**POTENTIAL MOTION:**

"I move to adopt Ordinance No. 31-2014, at second and final reading."

**AGENDA ITEM APPROVED BY:**

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Dale Baker, Acting City Manager

**ATTACHMENTS:**

- Ordinance No. 31-2014

**ORDINANCE NO. 31-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING ARTICLE VII, “TRAP, NEUTER, RELEASE PROGRAM, OF CHAPTER 14, “ANIMALS”, PROVIDING FOR A ONE YEAR PILOT PROGRAM FOR TRAP, NEUTER AND RELEASE OF FERAL CATS, PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1.** A new Article VII, “Trap, Neuter, Release Program”, of Chapter 14, “Animals”, of the Code of the City of Deltona, Florida is adopted to read as follows:

**ARTICLE VII. TRAP, NEUTER, RELEASE PROGRAM**

**Sec. 14-280. – Authorization of Trap, Neuter, Release Program.**

The City Manager of the City of Deltona is hereby authorized to institute a pilot trap, neuter and release program to address concerns about feral cats in Deltona. The City Manager is directed to report the results of such pilot program to the City Commission after the program has been fully operational for a one year term. Any provision of Chapter 14 that is found by the City Manager to be contrary to the specific requirements of such pilot program shall be deemed not enforceable during such pilot program and any extension thereof authorized by the City Commission.

**SECTION 2. CONFLICTS.** All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

**SECTION 3. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

FIRST READING: \_\_\_\_\_

ADVERTISED: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, City Attorney