



# City of Deltona

*Mayor*  
John Masiarczyk

*Vice Mayor*  
Nancy Schleicher  
*District 4*

*Commissioners:*

Mitch Honaker  
*District 1*

Diane Smith  
*District 2*

Heidi Herzberg  
*District 3*

Brian Soukup  
*District 5*

Chris Nabicht  
*District 6*

*City Manager*  
Jane K. Shang

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, JULY 6, 2015**  
**6:30 P.M.**

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

**AGENDA**

1. **CALL TO ORDER:**
2. **ROLL CALL – CITY CLERK:**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Commissioner Soukup – Juan Sali, Family/Youth Pastor, Deltona Alliance Church.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes – Regular City Commission Meeting of June 15, 2015 – Joyce Raftery, City Clerk (386) 878-8502.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
  - A. **Mayor John C. Masiarczyk, Sr. – Presentation – Commissioner Herzberg Honored with 2015 Home Rule Hero Award.**
6. **CITY COMMISSION SPECIAL REPORTS:**
7. **PUBLIC FORUM – Citizen comments for any items.**  
**(4 minute maximum length per speaker)**

**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. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

**8. CONSENT AGENDA:**

- \*A. Request for approval of an easement document for Wes Crile Park sports field lighting as required by Duke Energy, Florida, Inc. - Steve Moore, Parks and Recreation Department (386) 878-8902.**
- \*B. Request for approval of Eastern Waste Water Treatment Plant, Facility Power Service - Gerald Chancellor, Public Works Department (386) 878-8998.**
- \*C. Request for approval of Resolution No. 2015-26, Initial Assessment Resolution for the creation of the Oasis Avenue Street Lighting District - Gerald Chancellor, Public Works Department (386) 878-8998.**
- \*D. Request for approval of an Interlocal Agreement between the County of Volusia and the City of Deltona to transfer Graves Avenue North to the City of Deltona - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.**

**9. ORDINANCES AND PUBLIC HEARINGS:**

- A. Public Hearing - Ordinance No. 06-2015, Amending Section 6-1, "Hours of Sale," of Chapter 6 "Alcoholic Beverages," of the Code of City of Deltona; Making hours of sale consistent throughout the week, at second and final reading - Becky Vose, City Attorney (407) 448-0111 (cell).**
- B. Public Hearing - Ordinance No. 08-2015, creating a new Section 1-17, "Ordinance Review Committee," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Deltona, at second and final reading - Becky Vose, City Attorney (407) 448-0111 (cell).**
- C. Public Hearing - Ordinance No. 12-2015, creating a new Chapter 55, "Squatters," of the Deltona Code of Ordinances, at second and final reading - Becky Vose, City Attorney (407) 448-0111 (cell).**

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**A. Lobbyist Update**

**14. CITY COMMISSION COMMENTS:**

**15. 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:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager                      **AGENDA ITEM:** 3 - A  
**SUBJECT:** Invocation Presented by Commissioner Soukup - Juan Sali, Family/Youth Pastor, Deltona Alliance Church.

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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/> Jane K. Shang, City Manager



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 4 - A  
**SUBJECT:** Approval of Minutes - Regular Commission Meetings of June 15, 2015 - Joyce Raftery, City Clerk (386) 878-8502.

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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 Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	City Clerk Joyce Raftery - That the Commission approve the minutes of the Regular Commission Meetings of June 15, 2015.
<b>POTENTIAL MOTION:</b>	"I move to approve the minutes of the Regular Commission Meetings of June 15, 2015, as presented."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Minutes of June 15, 2015</li></ul>

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, JUNE 15, 2015**

1 A Regular Meeting of the Deltona City Commission was held on Monday, June 15, 2015 at the City  
2 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	Nancy Schleicher	Present
12	Commissioner	Heidi Herzberg	Present
13	Commissioner	Mitch Honaker	Present
14	Commissioner	Chris Nabicht	Present
15	Commissioner	Diane Smith	Present
16	Commissioner	Brian Soukup	Absent (Excused)
17	City Manager	Jane K. Shang	Present
18	City Attorney	Becky Vose	Present
19	City Clerk	Joyce Raftery	Present

20  
21 Also present: Deputy City Manager Dale Baker; Public Works/Deltona Water Director Gerald  
22 Chancellor; and VCSO Captain Eagan.

23  
24 **3. INVOCATION AND PLEDGE TO THE FLAG:**

25  
26 **A. Invocation Presented by Vice Mayor Schleicher – Reverend Dr. Mark Winkler from**  
27 **Emmaus Lutheran Church.**

28  
29 Vice Mayor Schleicher introduced Reverend Dr. Mark Winkler from Emmaus Lutheran Church.

30  
31 The National Anthem was sung by Mia Gomez an 8<sup>th</sup> Grader at Ivy Hawn Charter School.

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

34  
35 **A. Minutes:**

36  
37 **1. Approval of Minutes – Special Commission Meeting of April 25, 2015 and Regular City**  
38 **Commission Meeting of June 1, 2015.**

39  
40 **Motion by Vice Mayor Schleicher, seconded by Commissioner Herzberg to approve the minutes**  
41 **of the Special Commission Meeting of April 25, 2015 and Regular City Commission Meeting of**  
42 **June 1, 2015, as presented.**

43  
44 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
45 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Vice**  
46 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

47  
48 **5. PRESENTATIONS/AWARDS/REPORTS:**

1 **A. Volusia Transit Connector Study.**

2  
 3 Former Volusia County Councilmember Patricia Northey introduced Joe Bitar with the Florida  
 4 Department of Transportation (FDOT) and Alan Danaher the Consultant Project Manager who  
 5 provided a PowerPoint Presentation that included project partners, the project overview to include  
 6 the study area and scope of services, the project approach and tiered screening process, the study  
 7 schedule, the initial mode screening and its criteria and results summary, the initial corridor analysis  
 8 segments, alternatives 1 through 6, the existing and planning transit network, the initial alternatives  
 9 public meetings and the next steps.

10  
 11 Commissioner Herzberg stated there is no bus service from Dirksen Road to the SunRail Station and  
 12 she asked if that would be possible and Mr. Danaher replied there will be a local bus service plan  
 13 and that can be looked at. Mr. Bitar stated that it could be discussed with Votran also.

14  
 15 Commissioner Nabicht stated he is concerned about the projects progress and the public's  
 16 attendance, FDOT and everyone needs to work together to get the word out to the public better, the  
 17 taxpayers are going to pay the bill for what ridership is not paying to provide this service, SunRail  
 18 "must" be brought to Deltona if it is going to work and pay for itself, alternative two (2) and five (5)  
 19 are the only options that should be considered with a large parking garage factored into the equation  
 20 possibly at S.R. 472, Deltona was not factored in or counted by FDOT's own admission when the  
 21 SunRail parking station was designed in DeBary yet most of the people parking there are from  
 22 Deltona, and there needs to be a weighted factor as to population and where the ridership is going to  
 23 come from. Mr. Bitar replied the public is not interested at this stage of the project; usually the  
 24 public is interested when there is construction and he feels good about the amount of public  
 25 participation so far.

26  
 27 Commissioner Nabicht stated things have to be designed and planned for the future like the  
 28 Transportation Planning Organization (TPO) does which is a group of functioning professional  
 29 leaders in the County that are dealing with transportation issues that are going out 45 years and it  
 30 needs to lean heavily on what the TPO brings to the table when making decisions as to where the rail  
 31 is going to be laid and where to find the funding. Mr. Bitar replied there is a design to expand the  
 32 DeBary Park and Ride which is moving forward and will be constructed in 2016.

33  
 34 **6. CITY COMMISSION SPECIAL REPORTS:**

35  
 36 Mayor Masiarczyk stated he attended the West Volusia Summit on Saturday which mirrored a lot of  
 37 the recent transportation discussion, the one (1) cent sales tax and smoking regulations to include  
 38 banning electronic cigarettes where smoking is banned. He stated the City Manager created a letter  
 39 that will be sent to all the delegation which he read for the record regarding mandated State funding  
 40 for the restoration of the Blue Springs Basin and the water quality of the Florida Springs and he  
 41 stated unless there is an objection he is going to sign the letter on behalf of the Deltona City  
 42 Commission and send it off as the City has been asked to do by Councilman Daniels.

43  
 44 Vice Mayor Schleicher stated last Monday she filled in for the Mayor at the Mayor's Roundtable at  
 45 the airport where there was discussion regarding the homeless issue and the building of a homeless  
 46 shelter on Highway 92, that she was disturbed that the number of homeless children in Deltona was  
 47 360 and after doing some research the City does not have those kind of numbers. She stated the

1 numbers reflect those children who register at school that do not live in their own home, they live  
 2 with maybe a grandparent and are considered homeless.

3  
 4 Commissioner Honaker stated the half cent to one (1) cent sales tax proposal to fund transportation  
 5 is on the horizon because transportation funds are running out all across the county and it will be a  
 6 voter referendum. He stated funding is needed for road projects in Deltona such as repaving roads  
 7 and three (3) laning roads and he had his quarterly District 1 meeting where he covered the City's  
 8 accomplishments, economic development accomplishments and if anyone wanted to know more to  
 9 contact the Economic Development Manager Jerry Mayes.

10  
 11 **7. PUBLIC FORUM – Citizen comments for item not on the agenda.**

12  
 13 a) Monica Gibson, 2791 Irondale Street, Deltona, stated she just purchased a new electric gas hybrid  
 14 vehicle, she is concerned about the environment, that there is no vehicle charging stations in the City  
 15 and she has to go to either Sanford or DeLand to charge her vehicle and she offered several  
 16 suggested locations to put charging stations within the City.

17  
 18 b) Professor Bob Mertens, 1400 Hartley Avenue, Deltona, stated he sent an e-mail to Commissioner  
 19 Herzberg, he has an issue with noise which is fleeting, the Code process and not having witnesses to  
 20 noise incidents, the noise only has to be heard to be a violation, the Code being unenforceable, the  
 21 United States Supreme Court's stand on noise violations and Volusia County's Code and Deltona's  
 22 Code having different language.

23  
 24 The Commission discussed the issue and the Ordinance Review Committee taking this on as the first  
 25 ordinance to review, the e-mail he sent to Commissioner Herzberg outlining what the City needs to  
 26 do, whether or not a noise violation is unenforceable or not and neither Deltona nor the County  
 27 having a decibel meter. Mrs. Vose stated the Volusia County Court has said it is unenforceable  
 28 whether it is the wording of Deltona or Volusia County which is why the cases go to the Special  
 29 Magistrate who enforces it but, there needs to be an independent witness to testify.

30  
 31 c) Larry Wall, 1731 Ingram Terrace, Deltona, spoke about the home on his street who had numerous  
 32 cats removed, having a copy of the search warrant and the people not being in violation, the cats not  
 33 being harmed and were healthy, that the resident was watching cats for people whose cats were  
 34 taken during the search, not all the cats were being kept inside the house, people going to Halifax  
 35 Humane Society to pick up their cats and the cats already being euthanized and that witnesses will  
 36 continue to come forward regarding this issue.

37  
 38 **8. CONSENT AGENDA:** None.

39  
 40 **9. ORDINANCES AND PUBLIC HEARINGS:**

41  
 42 **A. Resolution No. 2015-15, Establishing Preliminary Annual Assessment Rate – Stormwater**  
 43 **Utility Services for FY 15/16 – Robert Clinger, Finance Department (386) 878-8552.**

44  
 45 Mayor Masiarczyk opened the public hearing.

46  
 47 **Motion by Commissioner Nabicht, seconded by Commissioner Honaker to adopt Resolution No.**  
 48 **2015-15, Establishing Preliminary Assessment Rate Resolution – Stormwater Utility Assessments**

1 **for FY 15/16 at the rate of \$108.00 per Equivalent Residential Unit (ERU).**

2  
 3 Larry Kent, 235 River Village Drive, DeBary, stated he can apply for a credit by making application  
 4 to the City for reimbursement of part of his stormwater fees because he has onsite stormwater on all  
 5 three (3) of his commercial properties. He stated the allowance is based on a study done by Tetra  
 6 Tech many years ago which states that some properties should be allowed either a 30% or 40%  
 7 reduction, however, the resolution only deals with the 30% reduction. He stated he is having issues  
 8 with obtaining his permits and his Certificates of Occupancy (CO) because they are so old.

9  
 10 Mayor Masiarczyk asked if for those properties that were done way before Deltona became a City  
 11 with no records on file, can there be a clause that allows the reduction and Public Works Director  
 12 Gerald Chancellor replied there are two (2) alternatives one, could change it so the property owner is  
 13 required to have its onsite system evaluated by a stormwater engineer who would then tell the City if  
 14 the system meets the criteria to receive credit, the other alternative is if there is no permits and the  
 15 City wishes to have its stormwater engineer look at the property to evaluate it and provide what they  
 16 see at the site which may cost, depending on the site, from \$500 to \$1,000. He stated the criteria is  
 17 under the current ordinance that the commercial property owner has to produce either the Water  
 18 Management District's stormwater permit or the Department of Environmental Protection (DEP)  
 19 permit that may have been issued in the late 1970's or early 1980's.

20  
 21 The Commission and staff discussed that all permits, site plan approvals and Certificates of  
 22 Occupancy are available at the County who is required per the Building Code to maintain the  
 23 permits for the life of the building, the City did not take into consideration any exemption in regards  
 24 to how the fee was determined, staff needing to provide estimates of what the impact would be for  
 25 any discount on the fee, if there is any adjustment that would mean the City cannot go above the set  
 26 fee, less fees coming in would mean less projects will be done and getting documents such as  
 27 permits is a public records request and the entity is required to provide them.

28  
 29 Mayor Masiarczyk stated if the Commission agrees "Jane make it happen" because these property  
 30 owners should not be denied the right to be provided the discount and there was no objection from  
 31 the Commission. Ms. Shang stated she has the Commission's direction, she thinks the issue is the  
 32 City wants to be fair, not to penalize the property owner or have the property owner spend more  
 33 money and she will work with staff to come up with something fair.

34  
 35 Mayor Masiarczyk read the title of Resolution No. 2015-15 for the record.

36  
 37 **A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, RELATING TO THE**  
 38 **PROVISION OF STORMWATER UTILITY SERVICES, FACILITIES AND PROGRAMS IN**  
 39 **THE CITY OF DELTONA; GENERALLY DESCRIBING THE SERVICES, AND**  
 40 **FACILITIES OR PROGRAMS TO BE PROVIDED; DESCRIBING THE METHOD OF**  
 41 **ASSESSING STORMWATER UTILITY ASSESSED COSTS AGAINST ASSESSED**  
 42 **PROPERTY LOCATED WITHIN THE CITY OF DELTONA; REDEFINING THE SQUARE**  
 43 **FOOTAGE OF IMPERVIOUS AREA PER EQUIVALENT RESIDENTIAL UNIT;**  
 44 **DIRECTING THE PRELIMINARY ANNUAL RATE RESOLUTION; AUTHORIZING A**  
 45 **PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF;**  
 46 **PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.**

47  
 48 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**

1 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Vice**  
 2 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

3  
 4 Resolution No. 2015-15 was adopted at 7:38 p.m.

5  
 6 **B. Resolution No. 2015-16, Establishing the Preliminary Annual Rate Resolution – Solid**  
 7 **Waste Services for FY 15/16 – Robert Clinger, Finance Department (386) 878-8552.**

8  
 9 **Motion by Commissioner Honaker, seconded by Commissioner Herzberg to adopt Resolution No.**  
 10 **2015-16, Establishing Preliminary Assessment Rate Resolution – Solid Waste Assessments for FY**  
 11 **15/16 to provide for an annual rate of \$173.96 for solid waste collection services.**

12  
 13 Commissioner Nabicht stated he will not be voting for the fee as he feels that the City has not been  
 14 receiving satisfactory service under the current contract which staff has been trying to resolve and he  
 15 requested the City Manager and Commission schedule a future workshop to look at improving the  
 16 service within the scope of the contract and possibly including unlimited pick-ups, at a cost. He  
 17 stated he would also like to discuss a franchise fee and a requirement where all commercial  
 18 properties would be required to use the same vendor.

19  
 20 The Commission discussed whether or not to vote on the item, setting the rate does not tie the City's  
 21 hands where it cannot discuss with Waste Pro any changes to the contract and not voting on the item  
 22 possibly making a real problem for the residents trash collection.

23  
 24 Mayor Masiarczyk opened the public hearing.

25  
 26 Unknown name and address, asked if there was going to be a reduction of \$50 for the garbage cans  
 27 provided or if new garbage cans would be provided to residents.

28  
 29 Mayor Masiarczyk replied the \$50 fee is not a yearly fee, residents are not getting new garbage cans  
 30 every year, it is the total cost of the contract which the garbage cans were part of much like the new  
 31 vehicles, new service times and amounts of trash pick-up.

32  
 33 Commissioner Nabicht explained the negotiation process with Waste Pro and that his assumption is  
 34 that unlimited pick-ups he is proposing would increase Waste Pro's dump fees which would be  
 35 passed onto the customers and the question is how much would the increase be. Commissioner  
 36 Herzberg explained that the Waste Pro contract was a seven (7) year contract that had no increase  
 37 during that seven (7) year timeframe and she explained the reason why so there was a \$50 increase  
 38 for the life of the contract which is also the same situation with the stormwater rates.

39  
 40 Mayor Masiarczyk closed the public hearing.

41  
 42 Mayor Masiarczyk read the title of Resolution No. 2015-16 for the record.

43  
 44 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,**  
 45 **RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND**  
 46 **PROGRAMS IN THE CITY OF DELTONA; GENERALLY DESCRIBING THE**  
 47 **SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTIMATING THE COST**  
 48 **TO BE ASSESSED FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE**

1 **ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING A PUBLIC**  
 2 **HEARING; DIRECTING THE ROLL BE UPDATED AND NOTICE PROVIDED WHERE**  
 3 **REQUIRED; DIRECTING AND AUTHORIZING ADDITIONAL OR SUPPLEMENTAL**  
 4 **NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

5  
 6 **Motion carried with members voting as follows:**

7		
8	<b>Commissioner Herzberg</b>	<b>For</b>
9	<b>Commissioner Honaker</b>	<b>For</b>
10	<b>Commissioner Nabicht</b>	<b>Against</b>
11	<b>Commissioner Smith</b>	<b>For</b>
12	<b>Vice Mayor Schleicher</b>	<b>For</b>
13	<b>Mayor Masiarczyk</b>	<b>For</b>
14		

15 Resolution No. 2015-16 was adopted at 7:50 p.m.

16  
 17 **Motion by Commissioner Nabicht, seconded by Commissioner Smith that the City Manager**  
 18 **open up negotiations with Waste Pro to renegotiate the contract.**

19  
 20 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
 21 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Vice**  
 22 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

23  
 24 **C. Resolution No. 2015-17, Establishing Preliminary Annual Assessment Rate –**  
 25 **Streetlighting Services for FY 15/16 – Robert Clinger, Finance Department (386) 878-8552.**

26  
 27 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

28  
 29 **Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to approve**  
 30 **Resolution No. 2015-17, adopting the current rate for Streetlighting Assessments for FY 15/16.**

31  
 32 Mayor Masiarczyk read the title of Resolution No. 2015-17 for the record.

33  
 34 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,**  
 35 **RELATING TO THE PROVISION OF STREETLIGHTING SERVICES, FACILITIES AND**  
 36 **PROGRAMS IN THE CITY OF DELTONA; GENERALLY DESCRIBING THE**  
 37 **SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTIMATING THE COST**  
 38 **TO BE ASSESSED FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE**  
 39 **ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING A PUBLIC**  
 40 **HEARING; DIRECTING THE ROLL BE UPDATED AND NOTICE PROVIDED WHERE**  
 41 **REQUIRED; DIRECTING AND AUTHORIZING ADDITIONAL OR SUPPLEMENTAL**  
 42 **NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

43  
 44 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
 45 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Vice**  
 46 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

47  
 48 Resolution No. 2015-17 was adopted at 7:53 p.m.

1  
 2 **D. Ordinance No. 06-2015, Amending Section 6-1, “Hours of Sale,” of Chapter 6**  
 3 **“Alcoholic Beverages,” of the Code of City of Deltona; Making hours of sale consistent**  
 4 **throughout the week, for first reading – Becky Vose, City Attorney (407) 448-0111 (cell).**

5  
 6 **Motion by Vice Mayor Schleicher, seconded by Commissioner Honaker to adopt Ordinance**  
 7 **No. 06-2015, at first reading and to schedule second and final reading for July 6, 2015.**

8  
 9 Mayor Masiarczyk opened the public hearing.

10  
 11 Larry Wall, 1731 Ingram Terrace, Deltona, stated he does not condone drinking and driving and he  
 12 asked if this would increase his opportunity to purchase alcohol.

13  
 14 Mayor Masiarczyk replied that the ordinance is being updated to be consistent and brought in line  
 15 with all the neighboring businesses and West Volusia County.

16  
 17 Mayor Masiarczyk closed the public hearing.

18  
 19 City Attorney Becky Vose read the title of Ordinance No. 06-2015 for the record.

20  
 21 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 6-1,**  
 22 **“HOURS OF SALE”, OF CHAPTER 6 “ALCOHOLIC BEVERAGES”, OF THE CODE OF**  
 23 **THE CITY OF DELTONA; MAKING HOURS OF SALE CONSISTENT THROUGHOUT**  
 24 **THE WEEK; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY**  
 25 **AND FOR AN EFFECTIVE DATE.**

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

30  
 31 Ordinance No. 06-2015 was adopted at 7:56 p.m.

32  
 33 **E. Ordinance No. 08-2015, creating a new Section 1-17, “Ordinance Review Committee,”**  
 34 **of Chapter 1, “General Provisions,” of the Code of Ordinances of the City of Deltona, for first**  
 35 **reading – Becky Vose, City Attorney (407) 448-0111 (cell).**

36  
 37 Mayor Masiarczyk passed the gavel to Vice Mayor Schleicher and left the meeting at 7:56 p.m.

38  
 39 **Motion by Commissioner Honaker, seconded by Commissioner Herzberg to adopt Ordinance**  
 40 **No. 08-2015, at first reading and to schedule second and final reading for July 6, 2015.**

41  
 42 Vice Mayor Schleicher opened and closed the public hearing as there were no public comments.

43  
 44 City Attorney Becky Vose read the title of Ordinance No. 08-2015 for the record.

45  
 46 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A NEW**  
 47 **SECTION 1-17, “ORDINANCE REVIEW COMMITTEE” OF CHAPTER 1, “GENERAL**  
 48 **PROVISIONS”, OF THE CODE OF THE CITY OF DELTONA, ESTABLISHING AN**

1 **ORDINANCE REVIEW COMMITTEE; PROVIDING FOR APPOINTMENT OF**  
 2 **MEMBERS AND DUTIES OF COMMITTEE; AND PROVIDING FOR CONFLICTS,**  
 3 **CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

4  
 5 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
 6 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; and Vice**  
 7 **Mayor Schleicher, For.**

8  
 9 Ordinance No. 08-2015 was adopted at 7:58 p.m.

10  
 11 City Manager Jane Shang asked for a motion to assign the noise ordinance to the Ordinance Review  
 12 Committee and after discussion, the Commission concurred to set the Committee up first as it is only  
 13 first reading of the ordinance, appoint the members and then discuss which ordinances will be  
 14 assigned to the Committee.

15  
 16 Mayor Masiarczyk returned to the meeting at 7:59 p.m.

17  
 18 **F. Ordinance No. 12-2015, creating a new Chapter 55, "Squatters," of the Deltona Code of**  
 19 **Ordinances, for first reading – Becky Vose, City Attorney (407) 448-0111 (cell).**

20  
 21 **Motion by Commissioner Herzberg, seconded by Commissioner Honaker to adopt Ordinance**  
 22 **No. 12-2015, at first reading and to schedule second and final reading for July 6, 2015.**

23  
 24 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

25  
 26 City Attorney Becky Vose read the title of Ordinance No. 12-2015 for the record.

27  
 28 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW**  
 29 **CHAPTER 55, "SQUATTERS," OF THE DELTONA CODE OF ORDINANCES, MAKING**  
 30 **FINDINGS; PROVIDING DEFINITIONS; PROHIBITING SQUATTING; REQUIRING**  
 31 **REMOVAL OF SQUATTERS; PROVIDING PENALTIES; PROVIDING FOR CITY**  
 32 **REMOVAL OF SQUATTERS; PROVIDING FOR NOTICE AND HEARING; PROVIDING**  
 33 **FOR PRESUMPTION OF SQUATTING, OTHER REMEDIES, AND IMMUNIZATION;**  
 34 **AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND**  
 35 **EFFECTIVE DATE.**

36  
 37 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
 38 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Vice**  
 39 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

40  
 41 Ordinance No. 12-2015 was adopted at 8:02 p.m.

42  
 43 **10. OLD BUSINESS:** None.

44  
 45 **11. NEW BUSINESS:**

46  
 47 **A. Consideration of appointment of a City representative to the Volusia Growth**  
 48 **Management Commission (VGMC) – Joyce Raftery, City Clerk (386) 878-8502.**

1  
2 **Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to confirm the following**  
3 **Commission appointment of citizen member Sandy Lou Gallagher as the City’s representative to**  
4 **the Volusia Growth Management Commission (VGMC) for a two (2) year term to expire on June**  
5 **30, 2017.**

6  
7 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

8  
9 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
10 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Vice**  
11 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

12  
13 **B. Request for approval to piggyback County of Fluvanna agreement for the contract with**  
14 **CityScape Consultants, Inc., for and as cell tower consultants for the City of Deltona – Becky**  
15 **Vose, City Attorney (407) 448-0111 (cell).**

16  
17 **Motion by Vice Mayor Schleicher, seconded by Commissioner Nabicht to approve**  
18 **piggybacking on the County of Fluvanna’s agreement with CityScape Consultants, Inc., as cell**  
19 **tower consultants for the City of Deltona.**

20  
21 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

22  
23 Mayor Masiarczyk stated he has some concerns which he will work out before the signing of the  
24 agreement regarding private ownership and what affect that might have with the agreement. He  
25 stated he will do his due diligence and talk to the City Attorney more in-depth on it.

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

30  
31 Mayor Masiarczyk stated he pushed the wrong button on the voting system and he asked that the  
32 voting system be reset so the vote could be taken again.

33  
34 **Motion carried with members voting as follows:**

35  
36 **Commissioner Herzberg For**  
37 **Commissioner Honaker For**  
38 **Commissioner Nabicht For**  
39 **Commissioner Smith For**  
40 **Vice Mayor Schleicher For**  
41 **Mayor Masiarczyk Against**

42  
43 **C. Discussion of Latin Arts and Musical Festival – Commissioner Honaker, District 1 (386)**  
44 **275-7729.**

45  
46 **Motion by Commissioner Herzberg, seconded by Commissioner Honaker to postpone any**  
47 **decision and to put the funding for the event in the budget since it falls in the new budget year.**  
48

1 The Commission discussed being equitable to all City organizations, eliminating waiving of fees  
 2 which is against City policy, not knowing what the budget numbers are and this item being  
 3 submitted late in the budget process, to have the City Manager look at the City's policy for waiving  
 4 fees, having all City organizations submit for needed funding for events, the policy's intent being for  
 5 new organizations and not well established organizations, established organizations not being able to  
 6 generate enough money each year to fund its own events, the City not being in the business of social  
 7 services and if it is in that business funds need to be budgeted, City policy requiring status reports  
 8 after the events and some organizations not providing them, the City sponsoring and receiving  
 9 corporate sponsorship for its own events, the City providing sponsorship to events, the problem is  
 10 the organization will be in a position to fund the event themselves if there is no money budgeted for  
 11 it during the budget process, moving the funds for all organizations through the budget process and  
 12 staff having a dollar value for everything no matter what it is that is being provided.

13  
 14 Mayor Masiarczyk opened the public hearing.

15  
 16 Representative David Santiago stated it is an excellent proposal to deal with the future needs to  
 17 address this for all organizations, needing to have a very clear policy, needing to look at what the  
 18 event or activity brings to the City, the organization is asking for about \$2,000 to \$3,000 and the  
 19 policy only allowing for \$2,500, allowing for a motion to reconsider at the next meeting, this being a  
 20 \$30,000 event which is successful due to planning and he will work with staff to massage the  
 21 number.

22  
 23 Mayor Masiarczyk closed the public hearing.

24  
 25 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**  
 26 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**  
 27 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

28  
 29 **12. CITY ATTORNEY COMMENTS:** None.

30  
 31 **13. CITY MANAGER COMMENTS:** None.

32  
 33 **A. Lobbyist Update:** None.

34  
 35 **14. CITY COMMISSION COMMENTS:**

36  
 37 a) Commissioner Smith stated the West Volusia Summit was a good event and she thanked the  
 38 City of Lake Helen for hosting the event and the Volusia League of Cities (VLOC) Dinner about two  
 39 (2) weeks ago was a good event which gave the Commission the opportunity to talk to other elected  
 40 officials without violating any Sunshine Laws.

41  
 42 b) Commissioner Nabicht asked to take a look at amending the Land Development Code (LDC)  
 43 to require the vehicle charging stations to be installed at appropriate facilities as they are being built  
 44 such as any City facilities or any medical facilities and to look at ordinances that other cities have in  
 45 place.

46  
 47 c) Vice Mayor Schleicher stated she attended the Mayor's Roundtable, the VLOC Dinner and  
 48 the West Volusia Summit. She stated she recently had the opportunity to visit Fort Foster, the

1 information provided was amazing such as the amount of wood and type of wood used, the project is  
 2 taking on a life of its own and everyone has been helpful and supportive. The next places to visit are  
 3 the St. Johns River Water Management and the Further Forever Group and then have a presentation  
 4 for the Commission tentatively in August.

5  
 6 d) Commissioner Honaker stated he has a work conflict with the next Monday's workshop, he  
 7 encouraged everyone to participate in the Neighborhood Watch Program which he himself is going  
 8 to start back up in his neighborhood and he suggested changing the all-day budget workshop on  
 9 Friday, July 10<sup>th</sup> from a workday to Saturday, July 11<sup>th</sup>.

10  
 11 e) Commissioner Herzberg stated she has received complaints about residents not being able to  
 12 receive the government channels on the BrightHouse Network, it is a blank screen, what do people  
 13 need to do and who do they need to contact and she requested to announce the solution before  
 14 everyone Regular Commission Meeting.

15  
 16 f) Mayor Masiarczyk stated he hurt an employee's feelings by not sending a get well card to  
 17 them which he normally does and he asked that staff let him know about things like that; he saw  
 18 longtime City employee former Fire Captain Koczan who is on the Firefighter's Pension Plan Board  
 19 of Trustees who had open heart surgery and he looks great; and he attended the funeral of Golden  
 20 Glove Champion Chris Lopez who passed away at 27 years of age, he grew up in Deltona, he had a  
 21 great career boxing and he was a member of Taino Boxing Club.

22  
 23 Mayor Masiarczyk spoke about the West Volusia Summit where he was quiet, the room was packed  
 24 and there was a lot of talk but, no decisions made, maybe as a group the Commission should stand  
 25 up and say this is what should be done and what the City supports, the Commission discussing the  
 26 agenda before attending the meeting and coming to a consensus, having a unified voice about what  
 27 the Commission is going to promote and Deltona used to be called the eight hundred pound gorilla.

28  
 29 The Commission discussed passing a resolution stating what the City's position is, the City needing  
 30 a Strategic Plan, the Commission not being cohesive with the decisions made for the City, not  
 31 knowing what the City stands for and what it does not, Commissioners having to stand up for what  
 32 they believe in but, once the Commission makes a decision as a body the entire Commission should  
 33 support that position and move forward on it per Roberts Rules of Order, the West Volusia Summit  
 34 agenda being ambiguous, the idea for the Summit was that each City would attend knowing what  
 35 each one (1) wanted and then all the cities would support that idea and move forward.

36  
 37 Mayor Masiarczyk stated he will request that the item be placed on an agenda for discussion because  
 38 some of the items may need funding and the City is going through its budget process now.

39  
 40 **14. ADJOURNMENT:**

41  
 42 There being no further business, the meeting adjourned at 8:36 p.m.

43  
 44  
 45 **ATTEST:**

\_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

46  
 47  
 48 \_\_\_\_\_  
**Joyce Raftery, CMC, City Clerk**



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 5 - A  
**SUBJECT:** Mayor John C. Masiarczyk, Sr. - Presentation-Commissioner Heidi Herzberg Honored with 2015 Home Rule Hero Award.

---

<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	The Florida League of Cities recently recognized Commissioner Heidi Herzberg with the 2015 Home Rule Award. Commissioner Herzberg earned this award for her efforts to advance the League's legislative agenda and help protect the home rule powers of Florida's cities during the 2015 session.
<b>ORIGINATING DEPARTMENT:</b>	Commission Members
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Manager
<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/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• FLOC Announcement</li></ul>



301 S. Bronough Street, Suite 300 • Post Office Box 1757 • Tallahassee, FL 32302-1757  
 (850) 222-9684 • Fax: (850) 222-3806 • Website: [www.flcities.com](http://www.flcities.com)

## ***Commissioner Herzberg Honored with 2015 Home Rule Hero Award***

**CONTACT:** Commissioner Heidi K. Herzberg  
**FOR IMMEDIATE RELEASE:** June 16, 2015  
[hherzberg@deltonafl.gov](mailto:hherzberg@deltonafl.gov), (386) 878-8860

The Florida League of Cities has recognized City of Deltona Commissioner Heidi K. Herzberg with a 2015 Home Rule Hero Award.

This prestigious award was presented to Commissioner Herzberg for her tireless efforts to advance the League's legislative agenda and help protect the home rule powers of Florida's cities during the 2015 legislative session. Home Rule Hero Award recipients are local government officials – both elected and nonelected – who consistently responded to the League's request to reach out to members of the legislature and help give a local perspective to an issue.

"Commissioner Herzberg embodies the definition of a Home Rule Hero. She is extremely dedicated and works hard for the citizens of Deltona," said Florida League of Cities Legislative Director Scott Dudley. "She brings that same level of commitment and energy to helping the Florida League of Cities lobbying team and is always ready and willing to contact legislators and help advocate in support of home rule. Commissioner Herzberg has and always will be a valuable asset to her city and the state of Florida."

First elected in November 2010 and then re-elected in 2014 as Deltona's District 3 Commissioner, Herzberg has been an advocate for local and regional governments working together. She is currently Deltona's representative to Team Volusia, a member of the Florida League of Cities Energy, Environment and Natural Resources Legislative Policy Committee, on the board of the River of Lakes Heritage Corridor, on the board of the Daytona State College Center for Women & Men, on the board of the Boys & Girls Clubs of Volusia & Flagler County and Vice President of the Volusia League of Cities. She is passionate about reducing the City's feral cat population and reducing what Deltona spends on euthanization. She was instrumental in a pilot program for Trap-Neuter-Return in Deltona.

"Strong home rule powers ensure government stays close to the people it serves," said Commissioner Herzberg. "That's why I have been, and will continue to be, an advocate for the League – to help eliminate unfunded mandates and preemptions, and protect cities' right to home rule powers."

###

*Founded in 1922, the Florida League of Cities is the united voice for Florida's municipal governments. Its goals are to promote local self-government and serve the needs of Florida's cities. Florida's cities are formed by their citizens and governed by their citizens. The League is founded on the belief that local self-government is the keystone of American democracy. For more information, visit [www.floridaleagueofcities.com](http://www.floridaleagueofcities.com).*



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager                      **AGENDA ITEM:** 8 - A  
**SUBJECT:** Request for approval of an easement document for Wes Crile Park sports field lighting as required by Duke Energy, Florida, Inc. - Steve Moore, Parks and Recreation Department (386) 878-8902.

---

<b>LOCATION:</b>	1537 Norbert Terrace, Wes Crile Park, Deltona, FL 32725
<b>BACKGROUND:</b>	<p>The proposed easement is required by Duke Energy, Florida, Inc, (Duke Energy) for the purpose of providing electrical power for the sports field lighting at Wes Crile Park.</p> <p>Staff has met with Duke Energy Senior Engineer, Jeffrey Herring, to evaluate several options for the availability of electrical power. It was determined that setting a pole in the right-of-way and undergrounding cable along a portion of the perimeter of the park was the best option and course of action to follow, thereby saving the City of Deltona a substantial amount of money to provide the same power service.</p> <p>Duke Energy requested the approval and execution of the easement document prior to any commencement of work.</p>
<b>ORIGINATING DEPARTMENT:</b>	Parks Recreation
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Parks and Recreation Director, Finance Director, City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Steve Moore, Parks and Recreation Director - Staff recommends approval and execution of the easement document.
<b>POTENTIAL</b>	

**MOTION:**

"I move to approve the easement document for Wes Crile Park as required by Duke Energy, Florida, Inc."

**AGENDA ITEM  
APPROVED BY:**

---

Jane K. Shang, City Manager

**ATTACHMENTS:**

- Power Easement - Wes Crile Park

## POWER EASEMENT

THIS POWER EASEMENT (“**Easement**”) is made this \_\_\_ day of \_\_\_\_\_, 2015 (“**Effective Date**”), from **CITY OF DELTONA (“GRANTOR”)**, to **DUKE ENERGY FLORIDA, INC., d/b/a DUKE ENERGY**, a Florida corporation, Post Office Box 14042, St. Petersburg, Florida 3373, and its successors, (“**GRANTEE**”);

### WITNESSETH:

THAT **GRANTOR**, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto **GRANTEE**, the perpetual right, privilege, and easement to install, operate and maintain in perpetuity, for providing electric energy under, upon, across, through and within the following described lands in Volusia County, Florida, and referred to hereinafter as the Easement Area to wit:

**A portion of Tract “A” of Deltona Lakes, Unit sixteen, according to the plat thereof recorded in Plat Book 25, Pages 234 through 240, Public Records of Volusia County, Florida, being a ten foot wide Easement Area running northeast from Norbert Terrace along the north perimeter line of Tract A for a distance of 375 feet, as more specifically delineated on the attached Exhibit “A”.**

**Tax Parcel Number: 30-18-31-16-00-0010**

The rights herein granted to **GRANTEE** by **GRANTOR** specifically include the right: (a) for **GRANTEE** to patrol, inspect, alter, improve, add to, repair, rebuild, relocate, and remove said facilities; (b) for **GRANTEE** to increase or decrease the voltage and to change the quantity and type of facilities; (c) ingress and egress over the Easement Area and over portions of **GRANTOR**’s adjoining property for the purpose of exercising the rights herein granted; (d) to trim, cut or remove from the Easement Area, at any time, trees, limbs, undergrowth, structures or other obstructions; (e) to trim, cut or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of **GRANTEE**, might interfere with or fall upon the Facilities; (f) and all other rights and privileges reasonably necessary or convenient for **GRANTEE**’s safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement for the purposes described herein.

**GRANTOR** shall have the right to use the Easement Area in any manner that is consistent with the rights granted to **GRANTEE** herein; provided however, without the prior written consent of **GRANTEE**, **GRANTOR** shall not (a) place, or permit the placement of, any obstructions within the Easement Area including but not limited to, any building, house, or other above-ground or underground structure, or portion thereof; (b) excavate or place, or permit the excavation or placement of any dirt or other material upon or below the Easement Area; or (c) cause, by excavation or placement of material, either on or off the Easement Area, a pond, lake,

or similar containment vehicle that would result in the retention of water in any manner within the Easement Area. **GRANTEE** shall have the right to remove any such obstruction(s) at **GRANTOR's** expense. Excluding removal of vegetation and obstructions as provided herein, any physical damage to the surface of the Easement Area and/or **GRANTOR's** adjoining property caused by **GRANTEE** or its contractors shall be repaired to a condition reasonably close to the previous condition.

**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 by its proper officers thereunto duly authorized and attested this \_\_\_\_\_ day of \_\_\_\_\_, 2014, and is effective as of the Effective Date herein.

**GRANTOR:**

CITY OF DELTONA

Name of Municipality

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Print or Type Name

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

**Grantor(s) mailing address:**

\_\_\_\_\_  
Signature of First Witness

\_\_\_\_\_  
2345 Providence Blvd.

\_\_\_\_\_  
Deltona, FL 32725

\_\_\_\_\_  
Print or Type Name of First Witness

\_\_\_\_\_  
Signature of Second Witness

\_\_\_\_\_  
Print or Type Name of Second Witness

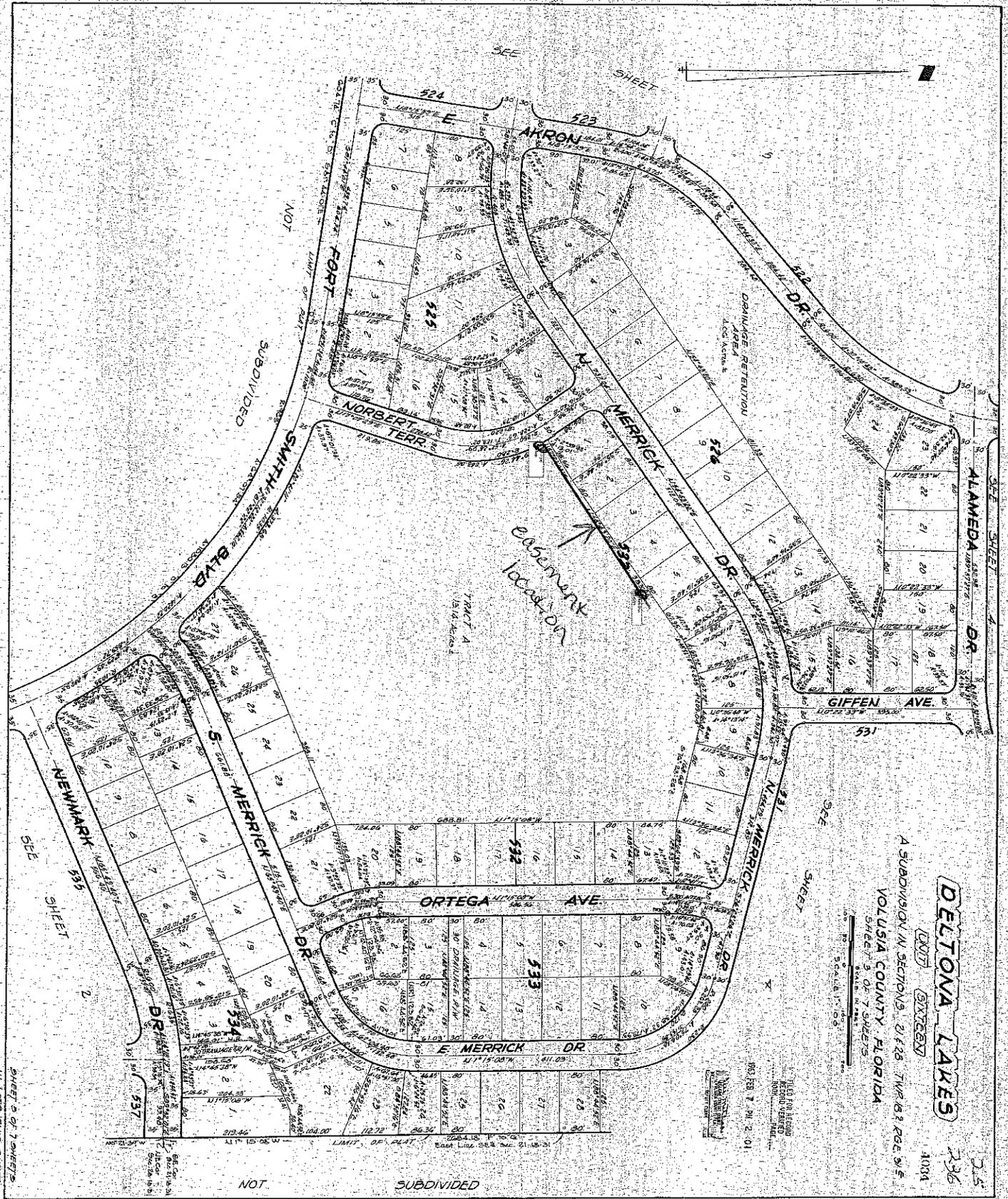
State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

The foregoing Easement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_, its Mayor and its City Clerk, respectively of CITY OF DELTONA, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification.

NOTARY SEAL

\_\_\_\_\_  
Name:  
Notary Public  
Serial Number:  
My Commission Expires:

RECORDED  
FEB 5 1968  
Vol. of Index, Page 11



**DELTONA LAKES**  
 SUBDIVISION IN SECTIONS 21 & 22 TWP 13 S RGE 9 E  
 VOLUSIA COUNTY FLORIDA  
 SHEET 2 OF 7 SHEETS  
 SCALE: 1" = 50'  
 1965 FEB 2 9 2: 01  
 FILED FOR RECORD  
 COUNTY CLERK  
 VOLUSIA COUNTY  
 TALLahassee, FLORIDA

Exhibit "A"



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 8 - B  
**SUBJECT:** Request for approval of Eastern Waste Water Treatment Plant, Facility Power Service - Gerald Chancellor, Public Works Department (386) 878-8998.

---

<b>LOCATION:</b>	301 11th Avenue, Osteen, Florida
<b>BACKGROUND:</b>	The subject project is under construction and a major component to achieve project completion is to provide power to the site from Florida Power and Light Company (FPL). Power service is not readily available to the site from S.R. 415. Therefore, FPL shall run power from S.R. 415 down 11th Avenue to the entrance of the site. From the entrance of the site power will be extended underground to the point of connection at the transformer outside the maintenance building. FPL requires the granting of an easement for service of power to the site.
<b>ORIGINATING DEPARTMENT:</b>	Public Works/Deltona Water
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Public Works Director, Finance Director, City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Gerald Chancellor, Public Works Director - Staff recommends approval granting a power easement to Florida Power and Light Company for the provision of electrical services to the Eastern Waste Water Treatment Plant.
<b>POTENTIAL MOTION:</b>	"I move to approve granting a power easement to Florida Power and Light Company for the provision of electrical services to the Eastern Waste Water Treatment Plant."
<b>AGENDA ITEM APPROVED BY:</b>	

**ATTACHMENTS:**

---

Jane K. Shang, City Manager

- Easement
- Easement (Letter size)

Work Request No. various  
Sec. 06, Twp 19 S, Rge 32 E  
Parcel I.D. 06-19-32-00-00-0170  
(Maintained by County Appraiser)

### EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Marianne Dillard  
Co. Name: Florida Power & Light Company  
Address: 2626 W State Road 46  
Sanford, FL 32772

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

CITY OF DELTONA

\_\_\_\_\_  
(Witness' Signature)

By: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

Print Name: \_\_\_\_\_

Print Address: \_\_\_\_\_

\_\_\_\_\_  
(Witness' Signature)

Print Name: \_\_\_\_\_  
(Witness)

STATE OF \_\_\_\_\_ AND COUNTY OF \_\_\_\_\_. The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ a \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (did not) take an oath.  
(Type of Identification)

My Commission Expires:

\_\_\_\_\_  
Notary Public, Signature

Print Name \_\_\_\_\_



**BASKERVILLE-  
DONOVAN, INC.**

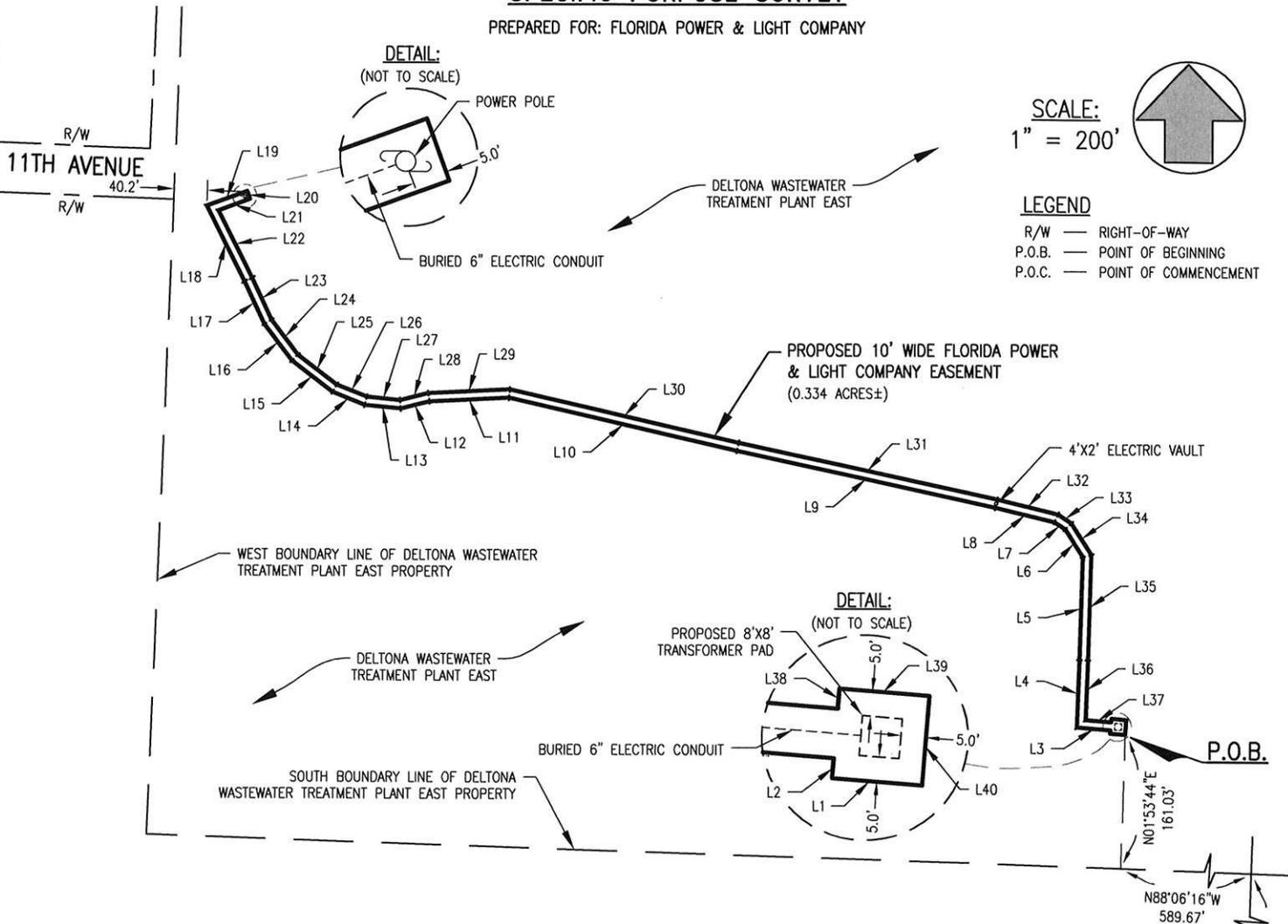
**OFFICE ADDRESS**

449 WEST MAIN STREET  
PENSACOLA, FLORIDA 32502  
PHONE NO. (850) 438-9661  
FAX NO. (850) 433-6761

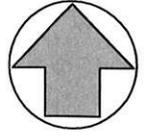
JOB NO. 72416.01  
DRAWN BY: FCC  
CHK'D BY: RSM

**SPECIFIC PURPOSE SURVEY**

PREPARED FOR: FLORIDA POWER & LIGHT COMPANY



SCALE:  
1" = 200'



**LEGEND**

- R/W — RIGHT-OF-WAY
- P.O.B. — POINT OF BEGINNING
- P.O.C. — POINT OF COMMENCEMENT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N85°19'13"W	18.00'
L2	N04°40'47"E	4.00'
L3	N85°19'13"W	39.89'
L4	N02°04'23"E	81.20'
L5	N01°40'22"E	123.47'
L6	N31°58'45"W	39.44'
L7	N55°43'59"W	15.04'
L8	N76°20'44"W	72.04'
L9	N77°36'08"W	315.97'
L10	N76°55'52"W	279.34'
L11	S87°21'30"W	95.79'
L12	S75°31'58"W	35.36'
L13	N84°27'12"W	43.60'
L14	N68°04'18"W	41.40'

LINE	BEARING	DISTANCE
L15	N52°37'32"W	61.36'
L16	N37°11'50"W	55.20'
L17	N25°10'37"W	56.46'
L18	N26°46'10"W	101.54'
L19	N69°51'01"E	51.61'
L20	S20°08'59"E	10.00'
L21	S69°51'01"W	40.39'
L22	S26°46'10"E	90.46'
L23	S25°10'37"E	55.54'
L24	S37°11'50"E	52.80'
L25	S52°37'32"E	58.64'
L26	S68°04'18"E	38.60'
L27	S84°27'12"E	40.40'
L28	N75°31'58"E	34.64'

LINE	BEARING	DISTANCE
L29	N87°21'30"E	98.21'
L30	S76°55'52"E	280.66'
L31	S77°36'08"E	316.03'
L32	S76°20'44"E	73.96'
L33	S55°43'59"E	18.96'
L34	S31°58'45"E	44.56'
L35	S01°40'22"W	126.53'
L36	S02°04'23"W	71.68'
L37	S85°19'13"E	30.34'
L38	N04°40'47"E	4.00'
L39	S85°19'13"E	18.00'
L40	S04°40'47"W	18.00'

EAST LINE SECTION 6  
N88°06'16"W  
589.67'  
N01°53'44"E  
161.03'  
N01°58'58"E 1,191.83'  
(REFERENCE BEARING)  
P.O.C.  
SOUTHEAST CORNER SECTION 6,  
TOWNSHIP 19 SOUTH, RANGE 32  
EAST, VOLUSIA COUNTY, FLORIDA

REVISIONS			
NO.	BY	DESCRIPTION	DATE

The survey shown hereon was prepared in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027 Florida Statutes to the best of my knowledge and belief.  
FOR: BASKERVILLE DONOVAN, INC., CORPORATE NUMBER 0340

*Robert S. Mills* 4/13/15  
ROBERT SCOTT MILLS  
PROFESSIONAL SURVEYOR AND MAPPER  
LICENSE NO. 5509





**BASKERVILLE-  
DONOVAN, INC.**

## OFFICE ADDRESS

449 WEST MAIN STREET  
PENSACOLA, FLORIDA 32502  
PHONE NO. (850) 438-9661  
FAX NO. (850) 433-6761

JOB NO. 72416.01

DRAWN BY: FCC

CHK'D BY: RSM

## DESCRIPTION - 10' WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT

(AS PREPARED BY BASKERVILLE-DONOVAN, INC.)

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA; THENCE PROCEED NORTH 01 DEGREES 58 MINUTES 58 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 1,191.83 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF DELTONA WASTEWATER TREATMENT PLANT EAST PROPERTY; THENCE PROCEED NORTH 88 DEGREES 06 MINUTES 16 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 589.67 FEET; THENCE DEPARTING SAID SOUTH LINE, PROCEED NORTH 01 DEGREES 53 MINUTES 44 SECONDS EAST A DISTANCE OF 161.03 FEET TO THE POINT OF BEGINNING OF A 10 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE PROCEED ALONG SAID EASEMENT LINE THE FOLLOWING BEARINGS AND DISTANCES; NORTH 85 DEGREES 19 MINUTES 13 SECONDS WEST, 18.00 FEET; NORTH 04 DEGREES 40 MINUTES 47 SECONDS EAST, 4.00 FEET; NORTH 85 DEGREES 19 MINUTES 13 SECONDS WEST, 39.89 FEET; NORTH 02 DEGREES 04 MINUTES 23 SECONDS EAST, 81.20 FEET; NORTH 01 DEGREES 40 MINUTES 22 SECONDS EAST, 123.47 FEET; NORTH 31 DEGREES 58 MINUTES 45 SECONDS WEST, 39.44 FEET; NORTH 55 DEGREES 43 MINUTES 59 SECONDS WEST, 15.04 FEET; NORTH 76 DEGREES 20 MINUTES 44 SECONDS WEST, 72.04 FEET; NORTH 77 DEGREES 36 MINUTES 08 SECONDS WEST, 315.97 FEET; NORTH 76 DEGREES 55 MINUTES 52 SECONDS WEST, 279.34 FEET; SOUTH 87 DEGREES 21 MINUTES 30 SECONDS WEST, 95.79 FEET; SOUTH 75 DEGREES 31 MINUTES 58 SECONDS WEST, 35.36 FEET; NORTH 84 DEGREES 27 MINUTES 12 SECONDS WEST, 43.60 FEET; NORTH 68 DEGREES 04 MINUTES 18 SECONDS WEST, 41.40 FEET; NORTH 52 DEGREES 37 MINUTES 32 SECONDS WEST, 61.36 FEET; NORTH 37 DEGREES 11 MINUTES 50 SECONDS WEST, 55.20 FEET; NORTH 25 DEGREES 10 MINUTES 37 SECONDS WEST, 56.46 FEET; NORTH 26 DEGREES 46 MINUTES 10 SECONDS WEST, 101.54 FEET; NORTH 69 DEGREES 51 MINUTES 01 SECONDS EAST, 51.61 FEET; SOUTH 20 DEGREES 08 MINUTES 59 SECONDS EAST, 10.00 FEET; SOUTH 69 DEGREES 51 MINUTES 01 SECONDS WEST, 40.39 FEET; SOUTH 26 DEGREES 46 MINUTES 10 SECONDS EAST, 90.46 FEET; SOUTH 25 DEGREES 10 MINUTES 37 SECONDS EAST, 55.54 FEET; SOUTH 37 DEGREES 11 MINUTES 50 SECONDS EAST, 52.80 FEET; SOUTH 52 DEGREES 37 MINUTES 32 SECONDS EAST, 58.64 FEET; SOUTH 68 DEGREES 04 MINUTES 18 SECONDS EAST, 38.60 FEET; SOUTH 84 DEGREES 27 MINUTES 12 SECONDS EAST, 40.40 FEET; NORTH 75 DEGREES 31 MINUTES 58 SECONDS EAST, 34.64 FEET; NORTH 87 DEGREES 21 MINUTES 30 SECONDS EAST, 98.21 FEET; SOUTH 76 DEGREES 55 MINUTES 52 SECONDS EAST, 280.66 FEET; SOUTH 77 DEGREES 36 MINUTES 08 SECONDS EAST, 316.03 FEET; SOUTH 76 DEGREES 20 MINUTES 44 SECONDS EAST, 73.96 FEET; SOUTH 55 DEGREES 43 MINUTES 59 SECONDS EAST 18.96 FEET; SOUTH 31 DEGREES 58 MINUTES 45 SECONDS EAST, 44.56 FEET; SOUTH 01 DEGREES 40 MINUTES 22 SECONDS WEST, 126.53 FEET; SOUTH 02 DEGREES 04 MINUTES 23 SECONDS WEST, 71.68 FEET; SOUTH 85 DEGREES 19 MINUTES 13 SECONDS EAST, 30.34 FEET; NORTH 04 DEGREES 40 MINUTES 47 SECONDS EAST, 4.00 FEET; SOUTH 85 DEGREES 19 MINUTES 13 SECONDS EAST, 18.00 FEET; SOUTH 04 DEGREES 40 MINUTES 47 SECONDS WEST, 18.00 FEET TO THE POINT OF BEGINNING.

LYING IN AND BEING A PORTION OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND CONTAINING 0.334 ACRES MORE OR LESS.

## GENERAL NOTES

1. NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASED ON A PREVIOUS SURVEY BY BASKERVILLE-DONOVAN, INC, PROJECT NO. 72407.01, DATED SEPTEMBER, 2009, DEEDS OF RECORD AND EXISTING FIELD MONUMENTATION.
2. NO TITLE SEARCH, TITLE OPINION, OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
3. THE FIELD SURVEY WAS PERFORMED MARCH 4-6, 2015 AND RECORDED IN FIELD BOOK 14-06, PAGES 47 & 48.
4. THE SKETCH SHOWN HEREON WAS PREPARED FOR DESCRIPTION PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
5. THIS IS A NEW PARCEL SURVEYED PER THE CLIENT'S REQUEST.



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager                      **AGENDA ITEM:** 8 - C  
**SUBJECT:** Request for approval of Resolution No. 2015-26, Initial Assessment Resolution for the creation of the Oasis Avenue Street Lighting District - Gerald Chancellor, Public Works Department (386) 878-8998.

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<b>LOCATION:</b>	Oasis Avenue
<b>BACKGROUND:</b>	The City has received a petition requesting the creation of a new Street Lighting District for Oasis Avenue. The petition bears eleven (11) signatures representing 51% of the properties within the proposed boundaries. The proposed District will include the installation of five (5) 100 watt roadway/cobrahead street lights on existing overhead distribution poles as well as the installation of three (3) new concrete poles. Twenty-one (21) platted lots of approximately equal size exist within the proposed street lighting district. The estimated annual charge per platted lot for the first year is \$303.26. The estimated annual charge per platted lot for the second and subsequent years is \$36.59. This equates to \$6,368.48 the first year and \$768.48 in subsequent years.
<b>ORIGINATING DEPARTMENT:</b>	Public Works/Deltona Water
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Public Works Director, Finance Director, City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Gerald Chancellor, Public Works Director - Staff recommends that the City Commission adopt Resolution No. 2015-26 as the Initial Assessment Resolution for the creation of the Oasis Avenue Street Lighting District.
<b>POTENTIAL MOTION:</b>	"I move to adopt Resolution No. 2015-26, creating the Oasis

Avenue Street Lighting District, and to schedule the Public Hearing."

**AGENDA ITEM  
APPROVED BY:**

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Jane K. Shang, City Manager

**ATTACHMENTS:**

- Oasis Avenue Resolution
- Oasis Avenue Lighting District Report\_01022015
- Oasis Avenue Aerial of Lighting District
- Oasis Avenue Petition

**RESOLUTION NO. 2015-26**

**A RESOLUTION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA; PERTAINING TO A STREET LIGHTING ASSESSMENT; DESCRIBING THE STREET LIGHTING SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTIMATING THE STREET LIGHTING COST TO BE ASSESSED; DESCRIBING THE METHOD OF APPORTIONING THE STREET LIGHTING ASSESSED COSTS AND THE COMPUTATION OF THE STREET LIGHTING ASSESSMENT FOR SPECIFIC PROPERTIES; PROVIDING A SUMMARY DESCRIPTION OF THE PARCELS RECEIVING A SPECIAL BENEFIT FROM THE PROVISION OF THE STREET LIGHTING SERVICES; ESTABLISHING AN ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; DIRECTING THE CITY MANAGER TO PREPARE THE INITIAL ASSESSMENT ROLL, PUBLISH THE NOTICE REQUIRED BY SECTION 54-249 OF THE CODE OF ORDINANCES AND MAIL THE NOTICE REQUIRED BY SECTION 54-250 OF THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, Article IV, Chapter 54 of the Code of Ordinances, City of Deltona, Florida authorizes special assessments for street lighting and proscribes method for such assessments as an alternative to Chapter 170, Florida Statutes; and

**WHEREAS**, the owners of fifty-one (51%) of the property described in Section 4 of this Resolution have petitioned the City Commission to establish a street lighting district for the purpose of providing street lights in said area; and

**WHEREAS**, the City Commission has determined that it would be in the best interests of the City and of the persons owning land within the area described and provide a special benefit

City of Deltona, Florida  
Resolution No. 2015-26  
Page 2 of 3

to the property described herein to establish such street lighting district for the purpose of providing street lights, and to assess the properties so benefitted to cost thereof;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,** as follows:

**Section 1.** The City shall provide street lighting along Oasis Avenue from Fort Smith Boulevard to Gainesville Drive by installing, or causing to be installed, five (5) 100 watt roadway/cobrahead street lights on existing overhead distribution poles as well as the installation of three (3) new concrete poles.

**Section 2.** The estimated cost to be assessed is \$6,368.48 in the first year and \$768.48 each year thereafter, subject to annual adjustment.

**Section 3.** The estimated cost to be assessed shall be apportioned by lot, and the Commission specifically finds that the assessment is in proportion to, and is less than or equal to, the special benefit conferred by the street lighting improvement on each lot described herein.

**Section 4.** The description of the parcels of property receiving a special benefit from the provision of the street lighting services, facilities or programs described herein is:

Lots 12 through 19, inclusive, Block 1867; Lots 1 through 6, inclusive, Block 1868; Lots 6 through 8, inclusive, Block 1869; and Lots 12 through 15, inclusive, Block 1870; all within Deltona Lakes Unit Seventy-Two, as recorded in Plat Book 28, Pages 161-167, Public Records of Volusia County, Florida.

**Section 5.** Each lot described in Section 4 shall pay a 1/21 share of the total annual assessment or approximately \$303.26 the first year and \$36.59 each year thereafter, subject to adjustment.

City of Deltona, Florida  
Resolution No. 2015-26  
Page 3 of 3

**Section 6.** The City Manager is hereby directed to:

- a) Prepare the initial assessment roll as required by Section 54-248 of the Code of Ordinances, City of Deltona;
- b) Publish the notice required by Section 54-249 of the Code of Ordinances, City of Deltona; and
- c) Mail the notice required by Section 54-250 of the Code of Ordinances, City of Deltona, using the information available from the tax roll.

**Section 7.** This resolution shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.**

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

ATTEST:

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

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

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

OASIS AVENUE  
PROPOSED LIGHTING DISTRICT REPORT

PETITION NUMBER	HOMEOWNER	HOUSE NUMBER	STREET	FULL PARCEL ID	SIGNATURE VERIFIED?
1	Barbara Grudowski	1732	Oasis Avenue	30-18-31-72-20-0030	YES
2	Luis E Torres	1740	Oasis Avenue	30-18-31-72-20-0020	YES
3	Robert Slack	1725	Oasis Avenue	30-18-31-72-19-0150	YES
4	Jorge L Santos	1765	Oasis Avenue	30-18-31-72-22-0120	YES
5	James I Plowman	1746	Oasis Avenue	30-18-31-72-20-0010	YES
6	Franklin M Ketcham	1771	Oasis Avenue	30-18-31-72-22-0130	YES
7	Robert J Jenson	1785	Oasis Avenue	30-18-31-72-22-0150	YES
8	Zoilo Vazquez	1770	Oasis Avenue	30-18-31-72-21-0070	YES
9	Alan Castor	1719	Oasis Avenue	30-18-31-72-19-0140	YES
10	Kamal L Jeffery	1724	Oasis Avenue	30-18-31-72-20-0040	YES
11	Eileen Kern	1777	Oasis Avenue	30-18-31-72-22-0140	YES
12	Sacha Cartagena	1700	Oasis Avenue	30-18-31-72-20-0060	N/A*
13	Christopher T Yaniak	1706	Oasis Avenue	30-18-31-72-20-0050	N/A*
14	Benjamin DeJesus	1764	Oasis Avenue	30-18-31-72-21-0080	N/A*
15	PA Borinquen LLC	1576	Fort Smith Boulevard	30-18-31-72-21-0060	N/A*
16	Joseph Matuszewski	1566	Dunlap Drive	30-18-31-72-19-0190	N/A*
17	Milton Robles	1743	Oasis Avenue	30-18-31-72-19-0180	N/A*
18	Ritchard Baus	1737	Oasis Avenue	30-18-31-72-19-0170	N/A*
19	Michael J Garbatini	1731	Oasis Avenue	30-18-31-72-19-0160	N/A*
20	Luis N Jimenez	1485	Gainesville Drive	30-18-31-72-19-0120	N/A*
21	Maria Del Carmen Oviedo	18713	Oasis Avenue	30-18-31-72-19-0130	N/A*

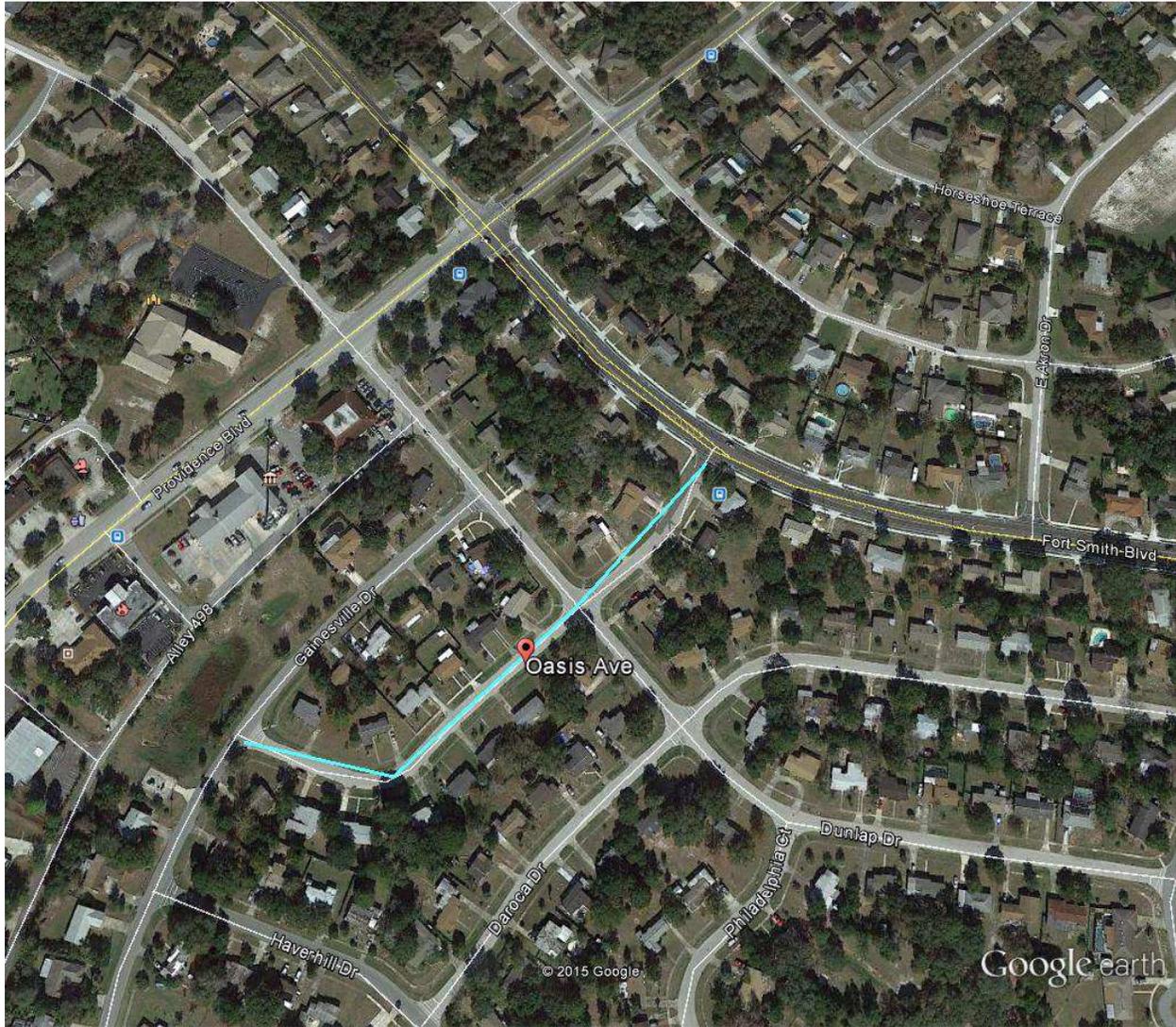
\*N/A = Residence located within proposed lighting district, but not listed on petition and no signature provided.

OASIS AVENUE  
PROPOSED LIGHTING DISTRICT REPORT

**COST SUMMARY**

<b>Total Number of Residents:</b>	21
<b>Total Number of Verified Signatures:</b>	11
<b>Construction Cost:</b>	\$5,600.00
<b>Consultant Fee:</b>	\$0.00
<b>Estimated Yearly Rental Fee:</b>	\$768.48
<b>Estimated Total Cost - First Year:</b>	\$6,368.48
<b>Estimated Monthly Cost Per Resident - First Year:</b>	\$303.26
<b>Estimated Yearly Cost - From Second Year Forward:</b>	\$768.48
<b>Estimated Monthly Cost - From Second Year Forward:</b>	\$64.04
<b>Estimated Yearly Cost Per Resident - From Second Year Forward:</b>	\$36.59
<b>Estimated Monthly Cost Per Resident - From Second Year Forward:</b>	\$3.05

### OASIS AVENUE PROPOSED STREET LIGHTING DISTRICT



Proposed street lighting district encompass homes along Oasis Avenue beginning at Fort Smith Boulevard and terminating at Gainesville Drive.

**CITY OF DELTONA**  
**PETITION FOR CREATION OF A STREETLIGHTING DISTRICT**

**Please note:** *There is an annual cost involved in the creation of a Streetlighting District. Property owners, within an approved Streetlighting District, pay an annual special service charge, via their property tax bills, for the streetlights in their area. The average annual charge is \$25.00 to \$100.00 per year per lot dependent upon the number and type of streetlights selected by the property owners within the Streetlighting District.*

We, the undersigned do hereby request that the City of Deltona consider the creation of a Streetlighting District within our neighborhood. We understand that there is an annual cost involved for the streetlights.

PROPERTY OWNER NAME (Please print)	PROPERTY OWNER SIGNATURE	ADDRESS & LEGAL DESCRIPTION OF PROPERTY OWNED (LOT & BLOCK NUMBER, PARCEL NUMBER OR STREET)
1) <u>Barbara Gzudowski</u>	<u>[Signature]</u>	<u>1732 OASIS AVE</u> <u>LOT 3 BLK 1868</u> <u>1740 OASIS AVE</u> <u>LOT 2 BLK 1868</u>
2) <u>LUIS TORRES</u>	<u>[Signature]</u>	<u>1725 OASIS AVE</u> <u>LOT 15</u> <u>DELTONA, FL 32725</u> <u>BLK 1867</u>
3) <u>Robert Steac</u>	<u>[Signature]</u>	<u>1765 OASIS AVE, DELTONA, FL</u> <u>32725</u> <u>LOT 12 - BLOCK 1870</u> <u>1746 OASIS AVE</u>
4) <u>Jorge Santos</u>	<u>[Signature]</u>	<u>LOT 1 BLK 1868</u>
5) <u>JAMES PHOYMAN</u>	<u>[Signature]</u>	<u>1791 OASIS AVE</u> <u>LOT 13 BLK 1870</u>
6) <u>FRANKLIN M, Franklin M Ketchum</u> <u>KETCHUM</u>	<u>[Signature]</u>	

7) Robert J. Jenson

Robert Jenson

1785 OASIS AVE  
LOT 7 BLK 1869

8) Zolito Vazquez

Zolito Vazquez

1790 OASIS AVE  
LOT 14 BLK 1867

9) Alan Castor

Alan Castor

1719 OASIS AVE  
LOT 4 BLOCK 1868

10) Kamal C Jeffrey

Kamal C Jeffrey

1724 OASIS AVE DELTONA, FL 32725

11) Eileen Kern

Eileen Kern

LOT 14 BLOCK 1870

1777 OASIS AVE DELTONA FL 32722

12) \_\_\_\_\_

13) \_\_\_\_\_

14) \_\_\_\_\_

15) \_\_\_\_\_

16) \_\_\_\_\_

17) \_\_\_\_\_



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 7/6/2015

**FROM:** Jane K. Shang, City Manager                      **AGENDA ITEM:** 8 - D

**SUBJECT:** Request for approval of an Interlocal Agreement between the County of Volusia and the City of Deltona to transfer Graves Avenue North to the City of Deltona - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.

**LOCATION:**

Generally located north of the intersection of Graves Avenue and Howland Boulevard, within the Halifax Crossings BPUD Project.

**BACKGROUND:**

The City of Deltona received a request from the Halifax Crossing BPUD property owner to accept that portion of Graves Avenue, north of Howland Boulevard, identified in the Interlocal Agreement as Graves Avenue North. Graves Avenue North was constructed by Volusia County years ago and terminates within property. The Volusia County Council will vote on July 2, 2015, to vacate their roadway right-of-way (ROW), with City Commission's approval of the attached Interlocal Agreement. The Interlocal Agreement was created by the County for this purpose and pertains to that area identified in the accompanying legal description. The proposed vacation does not include the County's Deltona North utilities that are within the Graves Avenue North ROW.

As proposed, the property owner desires to reconstruct Graves Avenue North and Deltona North utilities in a new alignment to the north, within the Halifax Crossings project to service a 12-lot non-residential subdivision. The newly constructed road is designed to service a medical facility and associated land uses. Upon construction of a newly aligned Graves Avenue North, the property owner will seek vacation of the former alignment and inclusion of that ROW as a minor BPUD amendment. Please refer to the attached Interlocal Agreement for additional information.

**ORIGINATING DEPARTMENT:**

Planning and Development Services

<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Planning Director, City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Chris Bowley, Planning and Development Services Director - Staff recommends approval of the Interlocal Agreement between the County of Volusia and the City of Deltona to transfer Graves Avenue North to the City of Deltona.
<b>POTENTIAL MOTION:</b>	"I move to approve the Interlocal Agreement between the County of Volusia and the City of Deltona to transfer Graves Avenue North to the City of Deltona."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"> <li>• REVISED Graves Ave North Transfer Agreement 6-15-15_GNB CLEAN</li> </ul>

**INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF VOLUSIA  
AND THE CITY OF DELTONA TO TRANSFER GRAVES AVENUE  
NORTH TO THE CITY OF DELTONA**

**THIS AGREEMENT**, is made and entered into on the signature dates below by and between the **COUNTY OF VOLUSIA**, a political subdivision of the State of Florida, hereinafter referred to as the **COUNTY** and the **CITY OF DELTONA**, a Florida municipal corporation, hereinafter referred to as the **CITY**.

**WITNESSETH:**

**WHEREAS**, the **COUNTY** and the **CITY** are authorized to enter into this **AGREEMENT** pursuant to Chapters 125, 163 and 166, and Sections 163.01 and 335.0415, Florida Statutes; and

**WHEREAS**, Graves Avenue North, lying north of Howland Boulevard, is a **COUNTY** maintained road approximately 1200 feet in length and is situated within the corporate limits of the **CITY**; and

**WHEREAS**, the **COUNTY** desires to transfer to the **CITY**, and the **CITY** desires to assume jurisdiction over, and to own, operate, repair, maintain, control and have continuing responsibility over Graves Avenue North, lying north of Howland Boulevard; and

**WHEREAS**, Graves Avenue North contains underground potable water, reclaimed water and sewer utility lines owned by the **COUNTY**; and

**WHEREAS**, the stormwater from Graves Avenue North is captured in a closed drainage system and flows to an offsite **COUNTY** stormwater treatment pond; and

**WHEREAS**, the **CITY** agrees not to increase the quantity of stormwater going to the **COUNTY**'s offsite stormwater treatment pond any greater than that which has already been permitted and currently flows to that pond; and

**WHEREAS**, the **COUNTY** and the **CITY** have determined that the transfer of Graves Avenue North is in the best interest of **COUNTY** and **CITY** citizens; and

**WHEREAS**, the **COUNTY** and the **CITY** represent, warrant and covenant to and with each other their respective authority and power under Florida law to enter into this **AGREEMENT** and acknowledge the validity and enforceability of this **AGREEMENT** as a binding contract when executed by both parties.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are hereby incorporated herein by reference.

**2. Transfer of Jurisdiction of Road; Utility Accommodation; Stormwater Capacity Restriction.**

- A. Transfer of Jurisdiction of Road.** Jurisdiction to own, operate, repair, maintain, control and have continuing responsibility over that section of Graves Avenue lying north of Howland Boulevard including all easements, approximately 1200 feet in length, and as more particularly described in **Exhibit A** (Graves Avenue North), is hereby transferred from the COUNTY to the CITY pursuant to Section 335.0415, Florida Statutes. The CITY accepts and acknowledges jurisdiction over the above referenced right-of-way that shall henceforth be part of the CITY's street system.
- B. Utility Accommodation.** Graves Avenue North, or other such replacement right-of-way lying north of Howland Boulevard, shall continue to accommodate COUNTY owned underground utilities for the operation, maintenance, repair and replacement of the COUNTY's potable water, reclaimed water and sewer utility lines. Relocation of COUNTY owned underground utilities shall be at no cost to the COUNTY. At the conclusion of any relocation of COUNTY owned underground utilities, the COUNTY shall receive a utility easement from the appropriate owner or entity in a form acceptable to the COUNTY.
- C. Stormwater Capacity Restriction.** The CITY acknowledges that the stormwater from Graves Avenue North flows to the COUNTY's offsite stormwater treatment pond (COUNTY's Pond) located south of the intersection of Graves Avenue and Howland Boulevard. After transfer of Graves Avenue North to the CITY pursuant to this AGREEMENT, the CITY or its assigns shall not increase the quantity of stormwater going to the COUNTY's Pond any greater than that which has already been permitted and currently flows to that pond. Furthermore, if any relocation, realignment or extension of Graves Avenue North is proposed and designed to continue to connect to the COUNTY's pond, the CITY or its assigns shall secure a COUNTY use permit.

**3. Dedication and Acceptance; Deed; Plat; Title.**

- A. Dedication and Acceptance.** For that section of Graves Avenue North that was heretofore deeded to the COUNTY for road purposes, and that the COUNTY heretofore accepted, the COUNTY hereby dedicates by deed to the CITY, and the CITY hereby accepts such dedication.
- B. Deed.** The COUNTY shall execute and deliver to the CITY a County Deed in favor of the CITY substantially in the form attached hereto as **Exhibit B** for any section of Graves Avenue North that the COUNTY holds, or may hold, in fee title, easement or other interest along with their respective legal descriptions.

- C. **Platted Right-of-Way.** To the extent that any portion of Graves Avenue North is platted right-of-way dedicated to the public in general for road purposes or public use, the COUNTY hereby transfers all interest by way of such plat to the CITY, and the CITY hereby accepts such transfer of interest.
- D. **Title.** The COUNTY and the CITY agree that Graves Avenue North is not needed for COUNTY purposes and the dedication, deed or other transfers described in this AGREEMENT shall be in lieu of a right-of-way map (or maps) described in Section 337.29(3), Florida Statutes, and that, consistent with Section 337.29(3), Florida Statutes, title to Graves Avenue North, and all portions thereof, shall be in the CITY pursuant to the dedication and upon the recording of the County Deed.

#### 4. **Miscellaneous.**

- A. **Validity.** The COUNTY and the CITY each represents, warrants, and covenants to and with the other its respective authority and power under Florida law to enter into this AGREEMENT, and acknowledges the validity and enforceability of this AGREEMENT. The COUNTY and the CITY each hereby represents, warrants and covenants to and with the other that this AGREEMENT has been validly approved by its respective governing body, and that this AGREEMENT constitutes a legal, valid and binding contract enforceable against each party in accordance with the terms hereof (assuming the due authorization, execution and delivery hereof by the other party hereto).
- B. **Entire Agreement.** This AGREEMENT and its exhibits constitute the entire AGREEMENT between the parties regarding the subject matter hereof. Any prior oral or written agreements (or portions thereof) or understandings of any kind between the parties relating to the subject matter hereof are superseded by this AGREEMENT to the extent the provisions of this AGREEMENT relate to such prior agreements or understandings or portions thereof.
- C. **Amendments.** This AGREEMENT may be amended only by express written instrument approved by the County Council of the COUNTY and the City Commission of the CITY, and executed by the authorized officers of each party.
- D. **Severability.** The provisions of this AGREEMENT are declared by the parties to be severable only to the extent that the remaining provisions can effectuate the purpose and intent of the parties.
- E. **Governing Law; Venue; Attorney's Fees and Costs.**
  - i. This AGREEMENT shall be governed by and construed in accordance with the laws of the State of Florida.
  - ii. Venue for any action arising out of or related to this AGREEMENT shall be in the Circuit Court in Volusia County, Florida.

**iii.** In the event a party deems it necessary to take legal action to enforce any provisions of this AGREEMENT, each party shall bear its own attorneys' fees and costs at both the trial and appellate levels.

**F. Notices.** Any notice required to be given or otherwise given by one party to the other party shall be in writing and shall be deemed delivered when given by hand delivery, three (3) days after being deposited in the United States Mail, postage prepaid, certified or registered, or the next business day after being deposited with a recognized overnight mail or courier delivery service and addressed as follows:

If to the COUNTY: Volusia County  
Attn: James T. Dinneen  
County Manager  
123 West Indiana Avenue  
DeLand, Florida 32720

With a copy to: Volusia County  
Attn: Gerald N. Brinton, P.E.  
County Engineer  
123 West Indiana Avenue  
DeLand, Florida 32720

If to the CITY: City of Deltona  
Jane Shang  
City Manager  
2345 Providence Boulevard  
Deltona, FL 32725

With a copy to: City of Deltona  
Attn: Gerald Chancellor, P.E.  
Public Works Director  
2345 Providence Boulevard  
Deltona, FL 32725

In all cases, notices shall be deemed delivered to a party only upon delivery of copies to the persons indicated above in the same manner as for the party being notified. Either party may change its designated official or address for receipt of notice by giving notice of such change to the other party in the manner provided in this section.

**G. Recording.** After execution by the parties, this AGREEMENT and its exhibits shall be recorded in the Public Records of Volusia County at the CITY's expense.

**5. Effective Date.** This AGREEMENT shall become effective on the date of execution by the COUNTY, or the date of execution by the CITY, whichever date is later.

**IN WITNESS WHEREOF**, the parties have executed this AGREEMENT as of the day and year indicated below.

**ATTEST:**

**CITY OF DELTONA**, a Florida municipal corporation

\_\_\_\_\_  
**JANE SHANG**  
City Manager

BY: \_\_\_\_\_  
**JOHN C. MASIARCZYK, SR.**, Mayor  
City Commission

DATE: \_\_\_\_\_

**ATTEST:**

**COUNTY OF VOLUSIA**, a political subdivision of the State of Florida

\_\_\_\_\_  
**JAMES T. DINNEEN**  
County Manager

BY: \_\_\_\_\_  
**JASON P. DAVIS**, Chair  
County Council

DATE: \_\_\_\_\_

## EXHIBIT A

Legal Description  
(Graves Avenue North transfer):

That portion of Lots 1 through 4 inclusive, Block 6, Davis Park, 3<sup>rd</sup> Addition, as recorded in Map Book 6, Page 205 of the Public Records of Volusia County, Florida, lying northeasterly of a line that is 100.00 feet northeasterly of and parallel with the Centerline of Construction as shown on the map of State Road 472 Extension, as recorded in Right of Way Map Book 2, Page 8 of said Public Records.

Together with

Lots 5 through 8, inclusive, Block 7, Davis Park, 3<sup>rd</sup> Addition, as recorded in Map Book 6, Page 205 of the Public Records of Volusia County, Florida.

Together with

That portion of Lots 9 through 12, inclusive, and that portion of Lots 38 through 41, inclusive, Block 7, Davis Park, 3<sup>rd</sup> Addition, as recorded in Map Book 6, Page 205 of the Public Records of Volusia County, Florida, lying northeasterly of a line that is 130.00 feet northeasterly of and parallel with the Centerline of Construction as shown on the map of State Road 472 Extension, as recorded in Right of Way Map Book 2, Page 8 of said Public Records.

Together with

Lots 13 through 15, inclusive, and Lot 34, Block 8, Davis Park, 3<sup>rd</sup> Addition, as recorded in Map Book 6, Page 205 of the Public Records of Volusia County, Florida.

Together with

That portion of Lots 16 through 18, inclusive, and that portion of Lots 31 through 33, inclusive, Block 8, Davis Park, 3<sup>rd</sup> Addition, as recorded in Map Book 6, Page 205 of the Public Records of Volusia County, Florida, lying northeasterly of a line that is 130.00 feet northeasterly of and parallel with the Centerline of Construction as shown on the map of State Road 472 Extension, as recorded in Right of Way Map Book 2, Page 8 of said Public Records.

Together with

That portion of Lots 19 through 28, inclusive, Block 9, Davis Park, 3<sup>rd</sup> Addition, as recorded in Map Book 6, Page 205 of the Public Records of Volusia County, Florida, lying northerly of a line that is 130.00 feet northerly of and parallel with the Centerline of Construction as shown on the map of State Road 472 Extension, as recorded in Right of Way Map Book 2, Page 8 of said Public Records.

Together with

## EXHIBIT A

A portion of Lots 1 through 4, inclusive, Block 7 of DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida being more particularly described as follows:

Commence at the Northwest corner of said Lot 1; Thence S 89°34'21" E along the North line of said Lot 1, a distance of 77.53 feet to the POINT OF BEGINNING; Thence continue S 89°34'21" E along said North line, a distance of 57.07 feet to the Northeast corner of said lot 1; Thence run S 00°24'35" W, along the East line of said Lot 1 and continuing along the East line of aforesaid Lots 2, 3 and 4, a distance of 100.00 feet to the Southeast corner of said Lot 4; Thence N 89°33'16" W along the South line of said Lot 4, a distance of 68.88 feet to a point on a curve, concave Westerly, having a radius of 359.00 feet and a chord bearing of N 11°57'33" E; Thence, departing said South line, run northerly along said curve, through a central angle of 15°38'33", for an arc distance of 98.01 feet; Thence N 43°19'01" W, a distance of 20.74 feet to the POINT OF BEGINNING.

Together with

A portion of Lots 10 through 23, inclusive, Block 4, DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of said Lot 23; Thence N 89°34'21" W along the South line of said Lot 23, a distance of 59.85 feet; Thence N 40°41'48" E, a distance of 19.38 feet to a point on a curve, concave Southwesterly, having a radius of 359.00 feet and a chord bearing of N 26°23'52" W; Thence Northwesterly along said curve, through a central angle of 32°17'19", for an arc distance of 202.31 feet to a point on the West line of Lot 16 of said Block 4; Thence N 00°24'24" W, a distance of 140.95 feet to a point on the West line of said Lot 10; Thence S 45°58'10" E, a distance of 77.22 feet to the point of curvature of a curve, concave Southwesterly, having a radius of 459.00 feet and a chord bearing of S 39°30'11" E; Thence Southeasterly along said curve, through a central angle of 12°55'58", for an arc distance of 103.61 feet to a point on the South line of Lot 15 of said Block 4; Thence S 89°36'18" E along the South line of said Lot 15, a distance of 11.11 feet to a point on a curve, concave Westerly, having a radius of 220.00 feet and a chord bearing of N 04°25'34" E; Thence Northerly along said curve through a central angle of 09°40'18" for and arc distance of 37.14 feet to a point on the East line of Lot 14 of said Block 4; Thence S 00°24'35" E along the East line of said Block 4, a distance of 238.39' to the Southeast corner of said Lot 23 and the POINT OF BEGINNING.

Together with

A portion of Lots 38 through 40, inclusive, Block 4, DAVIS PARK THIRD ADDITION as recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of said Lot 38; Thence N 00°24'15" W along the West lines of said Lots 38 through 40, a distance of 75.45 feet (75.00 feet plat) to the Northwest corner of said Lot 40; Thence S 89°38'35" E along the North line of said Lot 40, a distance of 37.57 feet; Thence S 45°58'10" E, a distance of 109.29 feet to a point on the South line of said Lot 38;

## EXHIBIT A

Thence N 89°37'49" W along the South line of said Lot 38, a distance of 115.61 feet to the POINT OF BEGINNING.

Together with

A portion of Lots 31 through 37, inclusive, Block 4, of DAVIS PARK THIRD ADDITION according

to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of said Lot 37; Thence S 89°37'49" E along the North line of said Lot 37, a distance of 115.61 feet; Thence S 45°58'10" E, a distance of 26.57 feet to a point on the East line of said Lot 37; Thence S 00°24'24" E along the East lines of said Lots 31 through 37, a distance of 140.95 feet to a point on the East line of said Lot 31, also being a point on a curve, concave Southwesterly, having a radius of 359.00 feet and a chord bearing of N 44°15'20" W; Thence Northwesterly along the arc of said curve, through a central angle of 03°25'39", for an arc distance of 21.48 feet to the point of tangency; Thence N 45°58'10" W, a distance of 122.64 feet; Thence N 89°37'19" W, a distance of 32.14 feet to a point on the West line of Lot 35 of said Block 4; Thence N 00°24'15" W along the West lines of said Lots 35, 36 and 37, a distance of 59.33 feet to the Northwest corner of said Lot 37 and the POINT OF BEGINNING.

Together with

A portion of Lots 7 and 8, Block 5, of DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida, being more particularly described as follows:

BEGIN at the Northeast corner of said Lot 7; Thence S 00°24'15" E along the East lines of said Lots 7 and 8, a distance of 45.68 feet to a point on the East line of said Lot 8; Thence N 45°58'10" W, a distance of 66.15 feet to a point on the North line of said Lot 7; Thence S 89°38'34" E along said North line, a distance of 47.24 feet to the Northeast corner of said Lot 7 and the POINT OF BEGINNING.

Together with

A portion of Lots 41 and 42, Block 4, of DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of said Lot 41; Thence N 00°24'15" W along the West line of said Block 4, a distance of 36.33 feet to a point on the West line of said Lot 42; Thence S 45°58'10" E, a distance of 52.61 feet to a point on the South line of said Lot 41; Thence N 89°38'35" W along said South line, a distance of 37.57 feet to the Southwest corner of said Lot 41 and the POINT OF BEGINNING.

Together with

## EXHIBIT A

A portion of Lots 1 through 6, inclusive, Block 5, of DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of said Lot 1; Thence S 89°40'15" E along the North line of said Lot 1, a distance of 60.56 feet; Thence S 45°58'10" E, a distance of 38.63 feet; Thence N 60°14'45" E, a distance of 34.56 feet to a point on a curve, concave Westerly, having a radius of 270.00 feet and a chord bearing of N 18°33'04" E; Thence Northerly along the arc of said curve, through a central angle of 02°05'35" for an arc distance of 9.86 feet to a point on the North line of said Lot 1; Thence S 89°40'15" E along the North line of said Lot 1, a distance of 13.08 feet to the Northeast corner of said Lot 1; Thence S 00°24'15" E along the East line of said Block 5, a distance of 165.97 feet to the Southeast corner of said Lot 6; Thence N 89°38'34" W along the South line of said Lot 6, a distance of 47.24 feet; Thence N 45°58'10" W, a distance of 122.30 feet to a point on the West line of said Lot 3; Thence N 00°24'05" W along the West line of said Block 5, a distance of 81.44 feet to the Northwest corner of said Lot 1 and the POINT OF BEGINNING.

Together with

A portion of Lots 55 and 56, YOURLANDO FARMS & GROVES according to the plat thereof recorded in Map Book 10, Page 228 of the Public Records of Volusia County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 56; Thence N 00°24'05" W along the East line of said Lot 56, a distance of 190.10 feet to the POINT OF BEGINNING; Thence N 45°58'10" W, a distance of 119.02 feet; Thence N 44°01'50" E, a distance of 100.00 feet; Thence S 45°58'10" E, a distance of 20.98 feet to a point on the East line of said Lot 56; Thence S 00°24'05" E along said East line, a distance of 140.04 feet to the POINT OF BEGINNING.

Legal description  
(Graves Avenue North Easements Transfer)

(Parcel 802A)

A portion of Lots 10 through 15, inclusive, Block 4 of DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida being more particularly described as follows:

Commence at the Northwest corner of Lot 9 of said Block 4; Thence S 00°24'24" E along the West line of said Lot 9 and said Lot 10, a distance of 29.49 feet to the POINT OF BEGINNING; Thence S 45°58'10" E, a distance of 87.03 feet to the point of curvature of a curve, concave Southwesterly, having a radius of 469.00 feet and a chord bearing of S 39°10'33" E; Thence Southeasterly along said curve, through a central angle of 13°35'14" for an arc distance of 111.22 feet to a point on a curve, concave westerly, having a radius of 220.00 feet and a chord bearing of S 09°07'38" W; Thence Southerly along said curve through a central angle of 00°16'09" for and arc distance of 1.03 feet to a point on the South line of said Lot 15; Thence N 89°36'18" W along the South line of said Lot 15, a distance of 11.11 feet to a point on a curve,

## EXHIBIT A

concave Southwesterly, having a radius of 459.00 feet and a chord bearing of N 39°30'11" W; Thence Northwesterly along said curve through a central angle of 12°55'58" for an arc distance of 103.61 feet; Thence N 45°58'10" W, a distance of 77.22 feet to a point on the West line of said Lot 10; Thence N 00°24'24" W along said West line, a distance of 14.01 feet to the POINT OF BEGINNING. Described parcel contains 1,901 square feet, more or less.

Together with

(Parcel 802B)

A portion of Lots 16, 17 and 18, Block 4, DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the public records of Volusia County, Florida being more particularly described as follows:

Commence at the Southwest corner of Lot 23 of said Block 4; Thence N 00°24'24" W, a distance of 179.86 feet to a point on the West line of said Lot 16 and the POINT OF BEGINNING; Thence continue N 00°24'24" W along the West line of said Lot 16, a distance of 13.11 feet to a point on a curve, concave Southwesterly, having a radius of 359.00 feet and a chord bearing of S 37°28'41" E; Thence Southeasterly along the arc of said curve through a central angle of 10°07'40" for an arc distance of 63.46 feet; Thence N 45°58'10" W, a distance of 53.50 feet to the POINT OF BEGINNING. Described parcel contains 310 square feet, more or less.

Together with

(Parcel 803)

A portion of Lots 31 through 35, inclusive, Block 4 of DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida being more particularly described as follows:

Commence at the Southwest corner of Lot 23 of said Block 4; Thence N 00°24'24" W, a distance of 179.86 feet to a point on the East line of said Lot 31 and the POINT OF BEGINNING; Thence N 45°58'10" W, a distance of 163.76 feet; Thence S 89°37'19" E, a distance of 14.49 feet; Thence S 45°58'10" E, a distance of 122.64 feet to the point of curvature of a curve, concave Southwesterly, having a radius of 359.00 feet and a chord bearing of S 44°15'20" E; Thence Southeasterly along the arc of said curve, through a central angle of 03°25'39" for an arc distance of 21.48 feet to a point on the East line of said Lot 31; Thence S 00°24'24" E along the East line of said Lot 31, a distance of 13.11 feet to the POINT OF BEGINNING. Described parcel contains 1,532 square feet, more or less.

Together with

(Parcel 803A)

A portion of Lots 7 and 8, Block 5, DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the public records of Volusia County, Florida being more particularly described as follows:

Commence at the Northwest corner of said Lot 7; Thence S 89°38'34" E along the North line of said Lot 7, a distance of 72.86 feet to the POINT OF BEGINNING; Thence continue S 89°38'34" E along the North line of said Lot 7, a distance of 14.48 feet; Thence S 45°58'10" E, a

## EXHIBIT A

distance of 66.15 feet to a point on the East line of said Lot 8; Thence N 53°24'18" W, a distance of 77.27 feet to the POINT OF BEGINNING. Described parcel contains 331 square feet, more or less.

Together with

(Parcel 804A)

A portion of Lots 3 through 6, inclusive, Block 5 of DAVIS PARK THIRD ADDITION according to the plat thereof recorded in Map Book 18, Page 117 of the Public Records of Volusia County, Florida being more particularly described as follows:

Commence at the Southwest corner of said Lot 6; Thence S 89°38'34" E along the South line of said Lot 6, a distance of 72.86 feet to the POINT OF BEGINNING; Thence N 45°58'10" W, a distance of 102.02 feet to a point on the West line of Lot 4 of said Block 5; Thence N 00°24'05" W along the West line of said Block 5, a distance of 14.00 feet to a point on the West line of Lot 3 of said Block 5; Thence S 45°58'10" E, a distance of 122.30 feet to a point on the South line of said Lot 6; Thence N 89°38'34" W along the South line of said Lot 6, a distance of 14.48 feet to the POINT OF BEGINNING. Described parcel contains 1,122 square feet, more or less.

Together with

(Parcel 805)

A portion of Lot 56, YOURLANDO FARMS & GROVES according to the plat thereof, recorded in Map Book 10, Page 228 of the Public Records of Volusia County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 56; Thence N 00°24'05" W along the East line of said Lot 56, a distance of 176.10 feet to the POINT OF BEGINNING; Thence N 45°58'10" W, a distance of 128.82 feet; Thence N 44°01'50" E, a distance of 10.00 feet; Thence S 45°58'10" E, a distance of 119.02 feet to a point on the East line of said Lot 56; Thence S 00°24'05" E along said East line, a distance of 14.00 feet to the POINT OF BEGINNING. Described parcel contains 1,239 square feet, more or less.

EXHIBIT B

This Instrument Prepared by:  
Public Works Department  
County of Volusia  
123 W. Indiana Avenue  
DeLand, Florida 32721-4613

**COUNTY DEED**

THIS DEED, MADE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015, by the **COUNTY OF VOLUSIA**, a political subdivision of the State of Florida, GRANTOR, to the **CITY OF DELTONA**, whose mailing address is \_\_\_\_\_, GRANTEE;

**WITNESSETH:**

That said Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to said Grantee, its successors and assigns forever, all of its interest in the following described land, situate, lying and being in Volusia County, Florida, to-wit:

(See **SCHEDULE "A"** attached hereto for Legal Description)  
Parcel No.

**IN WITNESS WHEREOF**, the GRANTOR has caused these presents to be executed in its name by its County Council acting by the Chairman of said Council, and its seal affixed on the day and year first above written.

**(OFFICIAL SEAL)**

**COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA**

**BY:** \_\_\_\_\_  
**JASON P. DAVIS**  
**County Chair**

**ATTEST:** \_\_\_\_\_  
**JAMES T. DINNEEN, County Manager**

Note: Pursuant to F.S. 125.411 a County Deed of conveyance is not required to be witnessed or acknowledged and can be recorded for record when properly executed.

J:\ROW\FORMS\DEEDS\COUNTY.DEED Revised 1/3/13



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 7/6/2015

**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - A

**SUBJECT:** Public Hearing - Ordinance No. 06-2015, Amending Section 6-1, "Hours of Sale," of Chapter 6 "Alcoholic Beverages," of the Code of City of Deltona; Making hours of sale consistent throughout the week, at second and final reading - Becky Vose, City Attorney (407) 448-0111 (cell).

<b>LOCATION:</b>	City wide
<b>BACKGROUND:</b>	A the Commission Workshop of May 18, 2015, the City Commission requested that the City Attorney look into and amend this ordinance, which is simply a time change.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 06-2015, at second and final reading.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 06-2015, at second and final reading."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 06-2015</li></ul>

**ORDINANCE NO. 06-2015**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 6-1, "HOURS OF SALE", OF CHAPTER 6 "ALCOHOLIC BEVERAGES", OF THE CODE OF THE CITY OF DELTONA; MAKING HOURS OF SALE CONSISTENT THROUGHOUT THE WEEK; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

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

**SECTION 1:** Section 6-1, "Hours of Sale", of Chapter 6, "Alcoholic Beverages", of the Code of the City of Deltona, is hereby amended to read as follows:

Sec. 6-1. - Hours of sale.

(a) Generally. Alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in containers, by the drink or otherwise, in any place holding license under the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation of the State of Florida, within the corporate limits of the city by any person, firm, or corporation, vendor or distributor holding such license, between the hours of 7:00 a.m. and 2:00 a.m. on the following morning.

(b) Extension of hours on certain days. The hours of sale for alcoholic beverages that may be sold, consumed, served or permitted to be served or consumed shall be extended as follows:

(1) From 7:00 a.m. December 31, New Year's Eve, until 3:00 a.m. January 1, New Year's Day.

(2) From 7:00 a.m. July 4 until 3:00 a.m. July 5.

(3) From 7:00 a.m. Labor Day until 3:00 a.m. the following morning.

**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.

City of Deltona, Florida  
Ordinance No. 06-2015  
Page 2 of 2

**SECTION 3. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. 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 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**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

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



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - B  
**SUBJECT:** Public Hearing - Ordinance No. 08-2015, creating a new Section 1-17, "Ordinance Review Committee," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Deltona, at second and final reading - Becky Vose, City Attorney (407) 448-0111 (cell).

<b>LOCATION:</b>	City wide
<b>BACKGROUND:</b>	At the Commission Workshop of May 18, 2015, the City Commission directed the City Attorney to draft an ordinance establishing an Ordinance Review Committee to review and suggest changes to City Ordinances.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 08-2015 at second and final reading.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 08-2015 at second and final reading."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 08-2015</li></ul>

**ORDINANCE NO. 08-2015**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A NEW SECTION 1-17, "ORDINANCE REVIEW COMMITTEE" OF CHAPTER 1, "GENERAL PROVISIONS", OF THE CODE OF THE CITY OF DELTONA, ESTABLISHING AN ORDINANCE REVIEW COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS AND DUTIES OF COMMITTEE; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

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

**SECTION 1:** A new Section 1-17, "Ordinance Review Committee", of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Deltona is hereby adopted to read as follows:

Sec. 1-17. – Ordinance Review Committee

The City of Deltona Ordinance Review Committee (hereinafter, "committee") is hereby created. The committee shall be comprised of seven (7) persons, with the Mayor and each City Commission member appointing one person. The members of the committee will each be either a resident of the city or be involved in a business or other organization in the city. Each member shall serve a two (2) year term, and members can succeed themselves in office. The committee will review ordinances only as specifically designated by the City Commission, and shall make recommendations to the City Commission as to such ordinances. The procedures of the committee shall be regulated by By-Laws adopted 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. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. 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

City of Deltona, Florida  
Ordinance No. 08-2015  
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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 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**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

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



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 7/6/2015  
**FROM:** Jane K. Shang, City Manager      **AGENDA ITEM:** 9 - C  
**SUBJECT:** Public Hearing - Ordinance No. 12-2015, creating a new Chapter 55, "Squatters," of the Deltona Code of Ordinances, at second and final reading - Becky Vose, City Attorney (407) 448-0111 (cell).

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<b>LOCATION:</b>	City wide
<b>BACKGROUND:</b>	At several meetings in general, the City Commission requested and directed the City Attorney to create a new Chapter 55 of the Deltona Code of Ordinances dealing with the issue of squatters within the City.
<b>ORIGINATING DEPARTMENT:</b>	City Attorney's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Attorney
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Becky Vose, City Attorney - That the City Commission adopt Ordinance No. 12-2015, at second and final reading.
<b>POTENTIAL MOTION:</b>	"I move to adopt Ordinance No. 12-2015, at second and final reading."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> Jane K. Shang, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Ordinance No. 12-2015</li></ul>

**ORDINANCE NO. 12 – 2015**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW CHAPTER 55, “SQUATTERS,” OF THE DELTONA CODE OF ORDINANCES, MAKING FINDINGS; PROVIDING DEFINITIONS; PROHIBITING SQUATTING; REQUIRING REMOVAL OF SQUATTERS; PROVIDING PENALTIES; PROVIDING FOR CITY REMOVAL OF SQUATTERS; PROVIDING FOR NOTICE AND HEARING; PROVIDING FOR PRESUMPTION OF SQUATTING, OTHER REMEDIES, AND IMMUNIZATION; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.**

WHEREAS, there are numerous vacant or abandoned residences, in the City of Deltona, and the phenomenon of squatting has become an increasing problem; and

WHEREAS, the unauthorized occupation of a residence by squatters poses numerous public safety concerns to the lawful owner or lessee of the residence, and to the surrounding community, and is a public nuisance; and

WHEREAS, squatters have neither an ownership nor leasehold interest in the property being occupied, and are therefore not affected if a Code Enforcement lien is placed on the property due to their actions, which poses enforcement difficulties in the event that the property being occupied by the squatter does not comply with the Zoning Code or City Code; and

WHEREAS, the City Commission wishes to prevent instances of squatting in the City of Deltona, and to ensure that provisions are in place to remove squatters promptly from properties being unlawfully occupied; and

WHEREAS, the City Commission finds that the current City ordinances are inadequate in protecting the health, safety and general welfare of the residents and property owners of the City in preventing the adverse results of squatting within the City; and

WHEREAS, the City Commission finds establishing an ordinance to address and prevent squatting in the City will serve to protect the public health, safety and general welfare of the citizens and property owners of the City and serves a valid public purpose; and

WHEREAS, the regulations of this ordinance constitute the minimum regulations necessary to control the adverse effects of squatting so as to protect the public health, safety and general welfare of the citizens and property owners of the City of Deltona.

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

**SECTION 1.** The foregoing “Whereas” clauses are true and correct and are hereby ratified and confirmed by the City Commission.

**SECTION 2.** Chapter 55, “*Squatters*” of the Code of Ordinances of the City of Deltona is hereby created to read as follows:

**Sec. 55-1. Definitions**

- (a) Squatting is defined as the occupation of private property without authorization from the owner or lessee.
- (b) Squatters are defined as occupants of private property without authorization from the owner or lessee.
- (c) Lessee is defined to include the lessee, any sublessee, or any other legal occupant of the premises.

**Sec. 55-2. - Squatting prohibited**

Squatting is a public nuisance, and is unlawful in the City of Deltona.

**Sec. 55-3. - Action to remove squatters**

A property owner or lessee is required to take all lawful measures to prevent or remove squatters.

**Sec. 55-4. - Penalties**

Any person who is found to be in violation of any provision of this chapter for which another penalty is not specifically provided shall immediately cease the activity in violation and may be issued a citation by a City Code Enforcement officer, punishable by a fine not to exceed \$500.00. For each day that the violation of a provision of this chapter exists, such violation shall constitute a separate offense.

**Sec. 55-5. - Removal of squatters**

The City is authorized to remove squatters from private property.

**Sec. 55-6. - Notice and hearing**

The City shall post a notice at the property indicating its intent to remove squatters at least ten (10) working days in advance of any such action. The City shall also make reasonable efforts to separately notify the property owner (or lessee if known) by mailing a notice by certified mail, return receipt requested, to the last known address of the property owner or lessee. Any appeal of the notice must be received by the City within five (5) working days of posting. The failure to

appeal constitutes an admission that the occupants are squatters and an agreement to the remedy of removal. If an appeal is timely received, the City shall set an administrative hearing before the special magistrate, and the matter shall be heard on an expedited basis prior to the removal of the occupants. The person appealing shall submit a cashier's check, payable to the City of Deltona, in an amount of \$125.00, to cover the special magistrate's fee at the time the request for a hearing is made. Said deposit will be used to pay the special magistrate should the person appealing be declared the losing party. If the special magistrate's fee exceeds the deposit, the losing party will be responsible for any and all additional fees. If the person appealing prevails, the deposit will be returned to the person appealing within 30 days of the special magistrate's ruling.

**Sec. 55-7. - Presumption**

Squatting may be presumed where the occupant of the property is unable to produce valid proof that the occupant is the owner of the property, or a valid written document, such as a lease, license, or other written proof of authorization from the property owner or lessee, demonstrating that the occupant has permission to be on the property. Squatting may also be presumed where a property is listed as vacant on the distressed property registry pursuant to the Deltona Anti-Blight Ordinance, and yet is occupied, or if the property is occupied, but the utilities are not legally turned on. Such presumptions may be rebutted if the occupant provides competent, substantial evidence demonstrating authorization to be in the premises. The presumptions stated herein are not the exclusive method for determining whether squatting is occurring on a specific property.

**Sec. 55-8. - Other remedies**

These remedies are cumulative with other remedies, including remedies for trespass, and are not exclusive. The City may remove trespassers pursuant to state law, including in cases where a lawful trespass warning has been provided and the occupants refuse to vacate the property.

**Sec. 55-9. - Immunization**

Code Enforcement officers, as well as City staff and agents, are immunized from civil or criminal liability for actions taken to remove squatters and secure property pursuant to the authority provided herein; and law enforcement officers are also immunized from civil or criminal liability for actions taken to keep the peace during the removal of squatters or the securing of property pursuant to the authority provided herein.

**SECTION 3. 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 4. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

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**SECTION 5. 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 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**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

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