

RESOLUTION NO. 2025-R-32

A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA, ACCEPTING A QUIT CLAIM DEED FOR TWENTY FIVE FEET OF PROPERTY FOR THE PURPOSE OF RIGHTS-OF-WAY ON CLINTON CEMETERY ROAD; AUTHORIZING RECORDING; REPEALING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND APPLICABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on June 19th, 2024, Florida Power and Light received Development Order No. 23-01600005 for the FP&L Electrical Distribution Substation at 4240 S Ridgewood Avenue;

WHEREAS, Clinton Cemetery Road is a private road; and

WHEREAS, Florida Power and Light's private property encompasses the current paved portion of Clinton Cemetery Road; and

WHEREAS, existing and proposed development has necessitated the need for a signalized intersection at Jones Fish Camp Road, Clinton Cemetery Road, and S Ridgewood Avenue; and

WHEREAS, the City of Edgewater seeks to pro-actively plan transportation impacts based upon existing and projected development; and

WHEREAS, the City of Edgewater requires the dedication of right-of-way from private property owners in the interest of public health, safety, and welfare; and

WHEREAS, the Quit Claim Deed prepared by the City Attorney and the Attorney for Florida Power and Light is attached as "Exhibit A".

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Edgewater, Florida:

SECTION 1. AUTHORITY

The City Council of the City of Edgewater has the authority to adopt this Resolution

pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes, Chapter 177.101(5), and Article IX (Application Procedures) of Chapter 21 (Land Development Code) of the City of Edgewater.

SECTION 2. RECORDING

A certified copy of this Resolution shall be filed with the Volusia County Property Appraiser and duly recorded into the Public Records of Volusia County, Florida, by the Volusia County Clerk of Court.

SECTION 3. CONFLICTING PROVISIONS

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY AND APPLICABILITY

If any portion of this resolution is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this resolution. If this resolution or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION 5. ADOPTION AND EFFECTIVE DATE

This resolution shall take effect upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2025.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2025

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

EXHIBIT A

Prepared by and return to:

Aaron R. Wolfe, Esquire
City of Edgewater
Post Office Box 100
Edgewater, FL 32132

Tax Parcel Number: a portion of 8424-00-00-003A

RIGHT-OF-WAY DEED

THIS RIGHT-OF-WAY DEED made this _____ day of July, 2025, by FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose address is P.O. Box 14000, Juno Beach, Florida 33408 (“Grantor”), in favor of THE CITY OF EDGEWATER, a Florida municipal corporation, whose address is 104 North Riverside Drive, Edgewater, Florida 32132 (“Grantee”).

(Wherever used herein, the terms “Grantor” and “Grantee” include all the parties to this instrument as so designated and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations of the parties.)

WITNESSETH, that, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by Grantor, Grantor does hereby remise, release, and quit claim unto Grantee all the right, title, interest, claim and demand which Grantor has in and to that certain real property (hereinafter referred to as the “Real Property”) in Volusia County, Florida, more particularly described as follows:

SEE EXHIBIT “A” ATTACHED HERETO.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and behoove of Grantee forever.

This conveyance is subject to all matters on the public record including, but not limited to, all easements, encumbrances, liens, judgments, mortgages, restrictions, reservations, taxes and assessments, matters of survey, parties in possession and limitations of record and to any road right-of-ways applicable to said described Real Property; however, reference herein shall not re-impose the same.

Grantor does hereby remise, release and quit claim this Real Property to Grantee for the following purpose: dedication of 25 feet along Clinton Cemetery Road for development of

Grantor's Ariel Substation. By acceptance of this deed, Grantee agrees that Grantee shall allow this Real Property to be used for these purposes.

It is the intention of Grantor, by this instrument, to convey to Grantee, the Real Property for use as a public street or highway. It is expressly provided that if and when said public street or highway shall be lawfully and permanently discontinued, the title to the Real Property shall immediately revert to Grantor, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

BY ACCEPTANCE HEREOF, GRANTEE ACKNOWLEDGES THAT THE REAL PROPERTY IS ADJACENT TO REAL AND PERSONAL PROPERTY OWNED BY GRANTOR AND USED BY IT AS A PUBLIC UTILITY CORPORATION OF THE STATE OF FLORIDA, AND GRANTEE ACCEPTS THE CONVEYANCE OF THE REAL PROPERTY WITH FULL KNOWLEDGE AND SUBJECT TO THE USE OF GRANTOR'S ADJACENT LAND AND PERSONAL PROPERTY FOR SUCH PURPOSES OR ANY OTHER LEGALLY AUTHORIZED USE.

Grantee, by acceptance of this deed, acknowledges that Grantor has not made, does not make and specifically negates and disclaims any representations, warranties, promises, covenants, agreements or guaranties of any kind or character whatsoever, whether express or implied, oral or written, past, present or future regarding the Real Property. Grantee further acknowledges that to the maximum extent permitted by law the transfer of the Real Property is made on an "as is" condition and basis with all faults.

[Signature and acknowledge appear on following page.]

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

FLORIDA POWER & LIGHT
COMPANY, a Florida corporation

Printed Name: _____

Address: 700 Universe Boulevard
Juno Beach, Florida 33408

By: _____
Name: Meier G. Wise
Title: Director of Corporate Real Estate

Printed Name: _____

Address: 700 Universe Boulevard
Juno Beach, Florida 33408

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this ____ day of July, 2025, by Meier G. Wise as Director of Corporate Real Estate for Florida Power & Light Company, a Florida corporation, on behalf of the corporation.

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known X OR Produced Identification _____

Type of Identification Produced: _____

EXHIBIT "A"

Legal Description of the Real Property

A STRIP OF LAND 25.00 FEET IN WIDTH BEING THE NORTH 25.00 FEET OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6163, PAGE 2732 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA LYING IN SECTION 24, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE RUN SOUTH 00°39'25" EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24 FOR A DISTANCE OF 1140.00 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 86°14'07" EAST FOR A DISTANCE OF 4408.69 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (SOUTH RIDGEWOOD AVENUE) ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY ,A[SECTION NUMBER 7901(112) 275; THENCE RUN SOUTH 23°00'40" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 898.64 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 23°00'40" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE FOR ADISTANCE OF 26.75 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE RUN SOUTH 87°48'26" WEST PARALLEL WITH AMD 25.00 SOUTH OF (PERPENDICULAR MEASURE) THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 318.25 TO THE WEST LINE OF SAID LANDS; THENCE RUN NORTH 23°00'40" WEST ALONG THE WEST LINE OF SAID LANDS FOR A DISTANCE OF 26.75 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THEN RUN NORTH 87°48'26" EAST ALONG THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 318.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,956 SQUARE FEET OR .18 ACRES MORE OR LESS.