

## **RESOLUTION 2023-R-28**

**A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA, TO ABANDON, VACATE, AND RELOCATE A 10 FOOT UTILITY EASEMENT AND 15 FOOT DRAINAGE EASEMENT, AND TO VACATE AN EMERGENCY ACCESS EASEMENT ON THE CUL-DE-SAC AT MASSEY RANCH BOULEVARD NEAR 1040 FLYING M COURT; PROVIDING FOR FILING WITH THE VOLUSIA COUNTY CLERK OF THE CIRCUIT COURT AND THE VOLUSIA COUNTY PROPERTY APPRAISER; REPEALING RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND APPLICABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** John Massey has applied on behalf of Massey Development Corporation, to abandon, vacate, and relocate a 10-foot utility easement and a 15-foot drainage easement and to vacate an emergency access easement near 1040 Flying M Court, being more particularly described in Exhibits "A" and "B"; and

**WHEREAS,** The abandonment, vacation and relocation of the utility and drainage easements and the vacation of the emergency access easement will allow for the expansion of the buildable area within Lot 22 of Massey Ranch Airpark Unit 1 to accommodate a single-family home and airplane hangar. The Massey Ranch Airpark Unit 1 subdivision was built to provide individuals the opportunity to have a home with a private plane with access to an immediate runway, and

**WHEREAS,** pursuant to Section 21-99.03 (Procedures) of the Land Development Code of the City of Edgewater, and the requirements contained in the Florida Statutes, a Notice of Public Hearing was published one (1) time in a newspaper of general circulation in the City of Edgewater by an advertisement that was published in the Daytona Beach News-Journal on October 26, 2023; and

**WHEREAS**, the City Council of the City of Edgewater finds that said application and supporting documents are in accordance with the requirements of Chapter 2 I (Land Development Code), Article IX (Application Procedures), Section 2 I -99 (Abandonments and Vacations) and that the requested action is consistent with the City of Edgewater Comprehensive Plan's goals, objectives and policies. The City Council further finds that abandoning and vacating said easements will not affect the ownership or access of persons owning adjacent property; and

**WHEREAS**, the City Council of the City of Edgewater finds that it is in the best interest of the city to vacate and abandon said easements.

**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. The foregoing recitals are hereby incorporated herein by this reference and are hereby ratified and confirmed as being true.

**Section 2. Abandonment, Vacation.** The City Council of the City of Edgewater, Florida, hereby abandons, vacates and renounces any rights in and to said easements being more particularly described in Exhibits "A" and "B". The subject property will vest in the adjacent property owners, free and clear of any rights of the City.

**Section 3. 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 4. Conflicting Provisions.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**Section 5. 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 6. Effective Date.** This Resolution shall become effective immediately upon passage and adoption.

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Diezel Depew, Mayor

**ATTEST:**

\_\_\_\_\_  
Bonnie Zlotnik, CMC, City Clerk

**REVIEWED AND APPROVED:** \_\_\_\_\_  
Aaron R. Wolfe, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PORTION OF 1-FOOT NON-VEHICULAR EASEMENT AND 10-FOOT UTILITY  
EASEMENT TO BE VACATED:**

A portion of Lot 22, MASSEY RANCH AIRPARK UNIT 1, according to the map or plat thereof, as recorded in Map Book 44, Page 68 through 70, Inclusive, of the Public Records of Volusia County, Florida, being described as follows:

Commence at the southwest corner of said Lot 22; thence North 20° 15' 17" West, along the Westerly line of said Lot 22, a distance of 37.38 feet for the Point of Beginning; thence continue North 20° 15' 17" West, along the Westerly line of said Lot 22, a distance of 110.57; thence North 01° 36' 16" West, a distance of 31.27 feet; thence South 20° 15' 17" East, a distance of 143.95 feet; thence North 89° 41' 51" West, a distance of 10.68 feet to the Point of Beginning.

## EXHIBIT "B"

