

## **RESOLUTION 2024-R-08**

**A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA, TO ACCEPT AN EASEMENT OVER TRACT D OF EDGEWATER PRESERVE PHASE 1, AS RECORDED IN MAP BOOK 64, PAGES 150 THROUGH 155 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; 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,** The City of Edgewater has received from Lennar Homes an easement over Tract D within Edgewater Preserve Phase 1, being more particularly described in Exhibits "A" and "B"; and

**WHEREAS,** The acceptance of the easement over Tract D will allow access to a land locked owner to the West of Edgewater Preserve Phase 1.

**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 May 18, 2024; 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 21 (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 the dedication 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 accept the easement over Tract D of Edgewater Preserve Phase 1.

**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. Dedication.** The City Council of the City of Edgewater, Florida, hereby accepts an easement over Tract D of Edgewater Preserve Phase 1 Plat 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 \_\_\_\_\_, 2024.

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

**ATTEST:**

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

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

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

A PORTION OF TRACT D, EDGEWATER PRESERVE PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 64, PAGES 150 THROUGH 155, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 17, OF SAID PLAT, THENCE NORTH 11°34'10" EAST, ALONG THE EAST LINE OF SAID TRACT, 11.35 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE ARC OF A TANGENT CURVE, BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 10.00 FEET, A DELTA OF 102°13'49", AN ARC DISTANCE OF 17.84 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 89°20'21" WEST, 463.47 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE NORTH 01°33'44" WEST, ALONG SAID WEST LINE, 5.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT; THENCE NORTH 89°20'21" EAST, ALONG SAID NORTH LINE, 477.03 FEET TO A POINT ON THE EAST LINE OF SAID TRACT; THENCE SOUTH 11°34'10" WEST, ALONG SAID EAST LINE, 17.52 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE CITY OF EDGEWATER, VOLUSIA COUNTY, FLORIDA AND CONTAINING 2,417 SQUARE FEET/0.06 ACRES.

# EXHIBIT "B"

