

## **RESOLUTION 2026-R-02**

**A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA, TO VACATE HIBISCUS DRIVE SOUTH OF 30<sup>TH</sup> STREET AND A PORTION OF 31<sup>ST</sup> STREET; 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**, Kevin Kyle has applied on behalf of Kevin and Tiffany Kyle Revocable Trust to vacate the southern portion of Hibiscus Drive and 31<sup>st</sup> Street, being more particularly described in Exhibits "A" and "B"; and

**WHEREAS**, the vacation shall not impede access, preserving Hibiscus Drive for the Gas Station, Restaurant, and Self-Storage facility and the vacation will enable the development of the vacant property at the intersection of Hibiscus Drive and 31<sup>st</sup> Street; 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 December 20th, 2025; 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 vacating said right-of-way 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 said right-of-way.

**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 demonstrated in Exhibits "C", "D", "F", and "E".

**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 \_\_\_\_\_, 2026.

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

**ATTEST:**

\_\_\_\_\_  
Sara Geiger, City Clerk

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

**EXHIBIT “A”**  
**LEGAL DESCRIPTION**

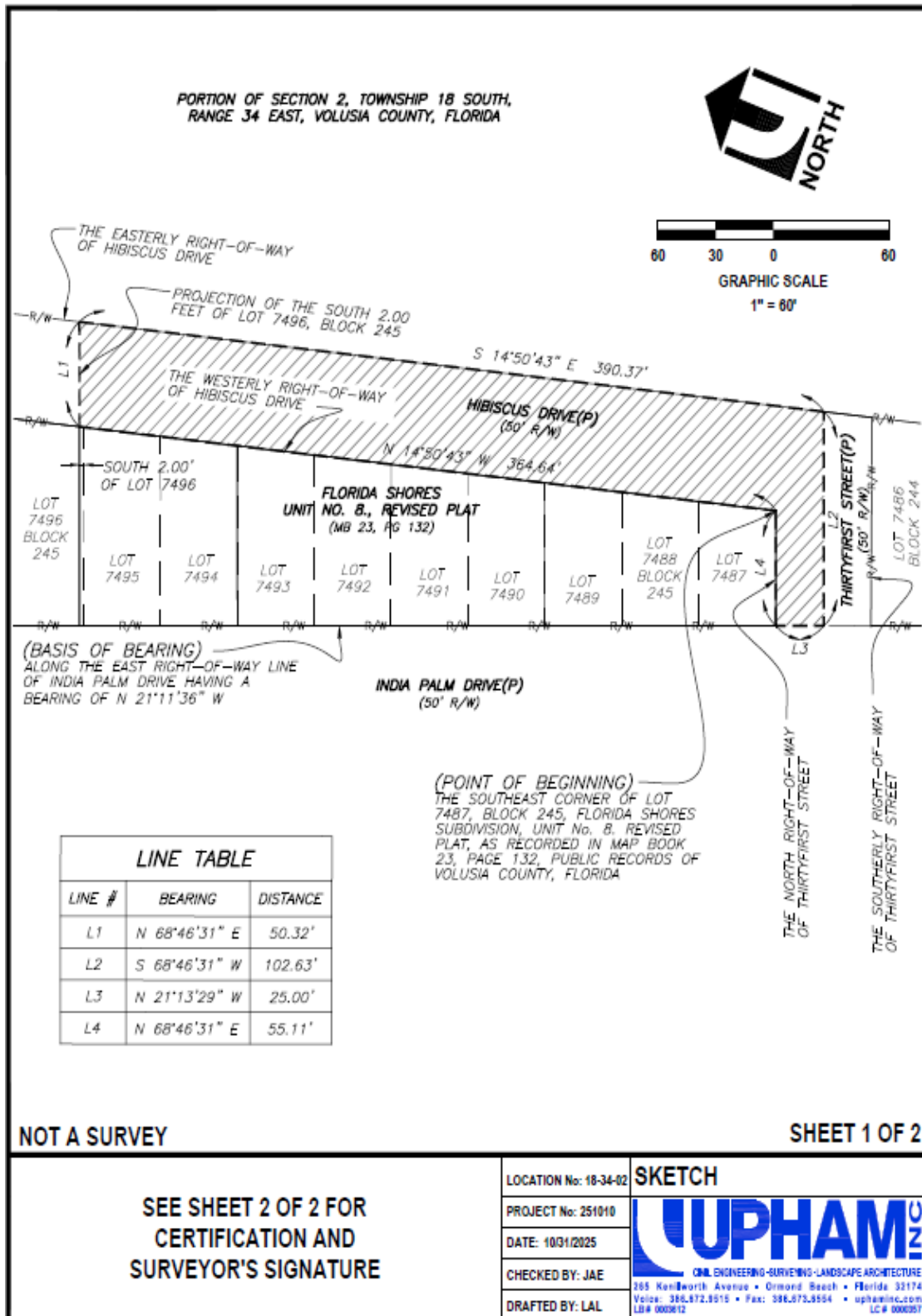
PORTION OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST CORNER OF LOT 7487, BLOCK 245, FLORIDA SHORES SUBDIVISION, UNIT No. 8. REVISED PLAT, AS RECORDED IN MAP BOOK 23, PAGE 132, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N 14°50'43" W, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HIBISCUS DRIVE, A 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT, 364.64 FEET TO THE INTERSECTION OF THE SOUTH 2.00 FEET OF LOT 7496, BLOCK 245, SAID FLORIDA SHORES SUBDIVISION, UNIT No. 8 REVISED PLAT; THENCE N 68°46'31"E, ALONG A PROJECTION OF THE SOUTH 2.00 FEET OF AFOREMENTIONED LOT 7496, BLOCK 245, 50.32 FEET TO THE EAST RIGHT-OF-WAY OF SAID HIBISCUS DRIVE; THENCE S 14°50'43" E, ALONG THE EAST RIGHT-OF-WAY OF SAID HIBISCUS DRIVE, 414.95 FEET TO THE NORTH EAST CORNER OF LOT 7486, BLOCK 244, AS SHOWN ON SAID PLAT OF FLORIDA SHORES SUBDIVISION, UNIT No. 8 REVISED PLAT; THENCE S 68°46'31" W, ALONG THE NORTH LINE OF SAID LOT 7486, BLOCK 244, 99.83 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF INDIA PALM DRIVE, A 50 FOOT RIGHT OF WAY AS SHOWN ON SAID PLAT, THENCE N 21°13'29" W, ALONG THE EASTERLY RIGHT-OF-WAY OF SAID INDIA PALM DRIVE, 50.00 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF SAID THIRTYFIRST STREET, THENCE N 68°46'31" E, ALONG THE NORTH RIGHT-OF-WAY OF SAID THIRTYFIRST STREET, 55.11 FEET TO THE POINT OF BEGINNING.  
CONTAINING 23365.64 SQUARE FEET OR 0.53 ACRES, MORE OF LESS

# EXHIBIT "B"



# EXHIBIT C



## EXHIBIT D

### DESCRIPTION:

PORTION OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST CORNER OF LOT 7487, BLOCK 245, FLORIDA SHORES SUBDIVISION, UNIT No. 8, REVISED PLAT, AS RECORDED IN MAP BOOK 23, PAGE 132, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N 14°50'43" W, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HIBISCUS DRIVE, A 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT, 364.64 FEET TO THE INTERSECTION OF THE SOUTH 2.00 FEET OF LOT 7496, BLOCK 245, SAID FLORIDA SHORES SUBDIVISION, UNIT No. 8 REVISED PLAT; THENCE N 68°46'31" E, ALONG A PROJECTION OF THE SOUTH 2.00 FEET OF AFOREMENTIONED LOT 7496, BLOCK 245, 50.32 FEET TO THE EAST RIGHT-OF-WAY OF SAID HIBISCUS DRIVE; THENCE S 14°50'43" E, ALONG THE EAST RIGHT-OF-WAY OF SAID HIBISCUS DRIVE, 390.37 FEET; THENCE S 68°46'31" W, PARALLEL TO THE SOUTH LINE OF LOT 7487, BLOCK 245, 102.63 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF INDIA PALM DRIVE, A 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT; THENCE N 21°13'29" W, ALONG THE EASTERLY RIGHT-OF-WAY OF SAID INDIA PALM DRIVE, 25.00 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF SAID THIRTYFIRST STREET; THENCE N 68°46'31" E, ALONG THE NORTH RIGHT-OF-WAY OF SAID THIRTYFIRST STREET, 55.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 20834.83 SQUARE FEET OR 0.48 ACRES, MORE OR LESS

### GENERAL NOTES:


1) PLAT CONTAINS ANGLES ONLY, NO BEARINGS. BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE GRID, NORTH AMERICAN DATUM OF 1983 (NAD83) WITH 2011 ADJUSTMENT AS DERIVED FROM THE LENGEMANN NETWORK, A TOPCON GNSS NETWORK. AS A REFERENCE FOR THIS SURVEY, ALONG THE EAST RIGHT-OF-WAY LINE OF INDIA PALM DRIVE HAVING A BEARING OF (N 21°11'38" W).

### ABBREVIATIONS / LEGEND

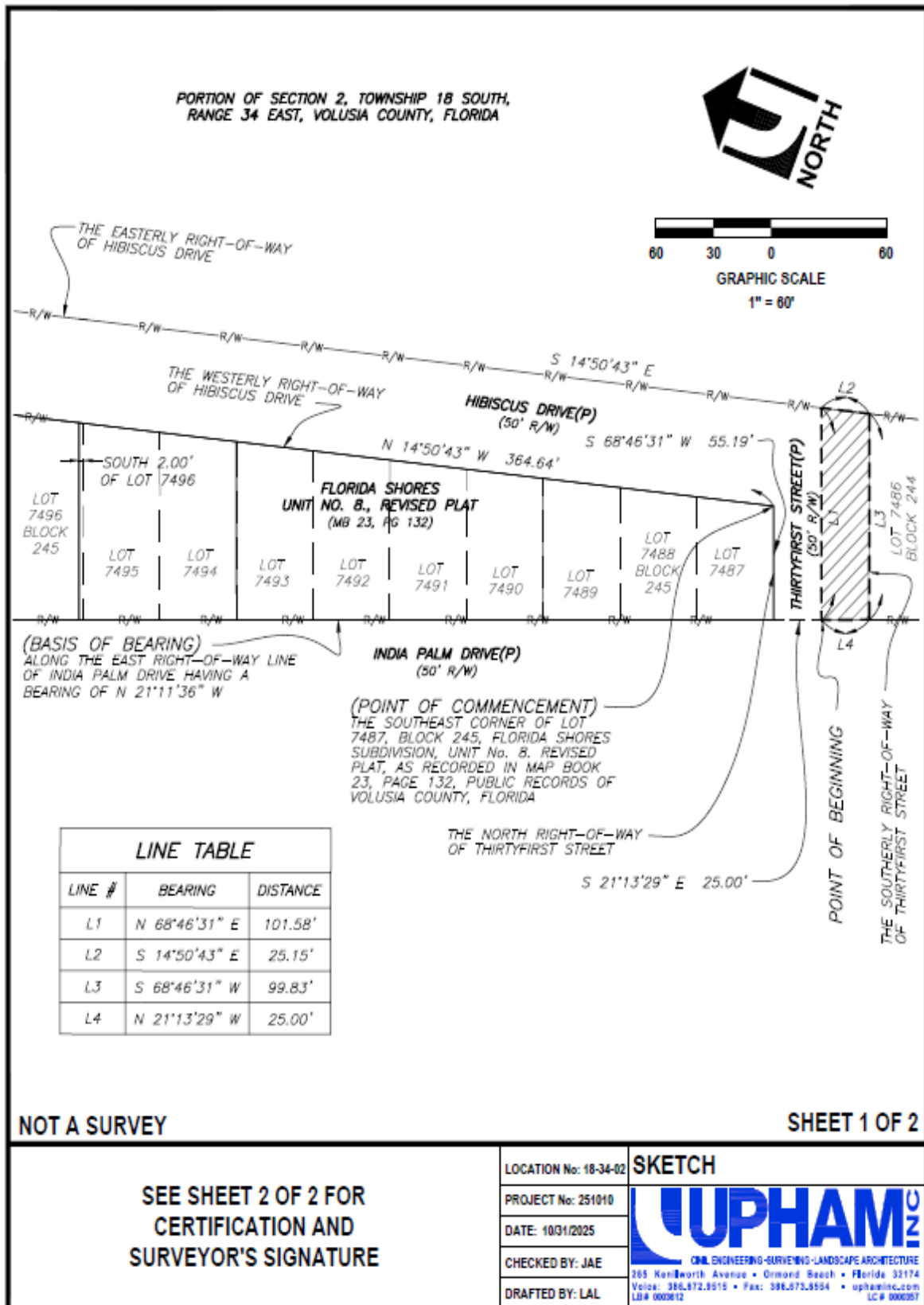
INC ... INCORPORATED  
L ... LINE  
LB ... LICENSED BUSINESS  
PSM ... PROFESSIONAL SURVEY MAPPER  
MB ... MAP BOOK  
PG ... PAGE  
R/W ... RIGHT-OF-WAY

NOT A SURVEY

SHEET 2 OF 2

<p>THE FOREGOING SKETCH AND DESCRIPTION IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, EFFECTIVE DATE JULY 1, 2018, AS PURSUANT TO SECTION 54-17.061, FLORIDA ADMINISTRATIVE CODE. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, FLORIDA ADMINISTRATIVE CODE 54-17.082 (2)</p>	<p><b>Clyde O Van Kleeck Jr.</b> Digitally signed by Clyde O Van Kleeck Jr. Date: 2025.11.03 07:40:39 -05'00'</p> <p>BY: <b>C. O. VAN KLEECK, JR., PSM No. 6149</b> DATE: 10/31/2025</p>	LOCATION No: 18-34-02	DESCRIPTION
		PROJECT No: 251010	 <p><b>UPHAM</b> CML ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE 205 Kenilworth Avenue • Ormond Beach • Florida 32174 Voice: 386-872-8515 • Fax: 386-875-8554 • uphaminc.com LIC # 0003812</p>
		DATE: 10/31/2025	
		CHECKED BY: JEA	
		DRAFTED BY: LAL	THIS ITEM HAS BEEN SIGNED AND SEALED ON THE DATE AND TIME AS SHOWN HEREON. WHEN SIGNED AND SEALED BY AN ELECTRONIC SIGNATURE, PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE & SEAL MUST BE VERIFIED ON ALL ELECTRONIC COPIES.

# EXHIBIT E





## EXHIBIT F

### DESCRIPTION:

PORTION OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF COMMENCEMENT, BEGIN AT THE SOUTHEAST CORNER OF LOT 7487, BLOCK 245, FLORIDA SHORES SUBDIVISION, UNIT No. 8. REVISED PLAT, AS RECORDED IN MAP BOOK 23, PAGE 132, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S 68°46'31" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF THIRTYFIRST STREET, A 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT, 55.19 FEET TO THE INTERSECTION EAST RIGHT-OF-WAY LINE OF INDIA PALM DRIVE, A 50 FOOT RIGHT OF WAY AS SHOWN ON SAID PLAT; THENCE S 21°11'38" E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INDIA PALM DRIVE, 25 FEET TO A POINT OF BEGINNING; THENCE N 68°46'43" E, ALONG THE MIDDLE OF SAID THIRTYFIRST STREET, 101.58 FEET TO THE EAST RIGHT-OF-WAY OF HIBISCUS DRIVE, A 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT; THENCE S 14°50'43" E, ALONG THE EAST RIGHT-OF-WAY LINE THE SAID HIBISCUS DRIVE, 25 FEET TO THE NORTHEAST CORNER OF LOT 7486, BLOCK 244, AS SHOWN ON SAID PLAT OF FLORIDA SHORES SUBDIVISION, UNIT No. 8 REVISED PLAT; THENCE S 68°46'31" W, ALONG THE NORTH LINE OF SAID LOT 7486, BLOCK 244, 99.83 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF SAID INDIA PALM DRIVE; THENCE N 21°13'29" W, ALONG THE EASTERLY RIGHT-OF-WAY OF SAID INDIA PALM DRIVE, 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2530.80 SQUARE FEET OR 0.06 ACRES, MORE OR LESS

### GENERAL NOTES:


1) PLAT CONTAINS ANGLES ONLY, NO BEARINGS. BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE GRID, NORTH AMERICAN DATUM OF 1983 (NAD83) WITH 2011 ADJUSTMENT AS DERIVED FROM THE LENGEMANN NETWORK, A TOPCON GNSS NETWORK. AS A REFERENCE FOR THIS SURVEY, ALONG THE EAST RIGHT-OF-WAY LINE OF INDIA PALM DRIVE HAVING A BEARING OF (N 21°11'38" W).

### ABBREVIATIONS / LEGEND

INC ... INCORPORATED  
L ... LINE  
LB ... LICENSED BUSINESS  
PSM ... PROFESSIONAL SURVEY MAPPER  
MB ... MAP BOOK  
PG ... PAGE  
R/W ... RIGHT-OF-WAY

NOT A SURVEY

SHEET 2 OF 2

<p>THE FOREGOING SKETCH AND DESCRIPTION IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, EFFECTIVE DATE JULY 1, 2018, AS PURSUANT TO SECTION 54-17.061, FLORIDA ADMINISTRATIVE CODE. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, FLORIDA ADMINISTRATIVE CODE 54-17.062 (2)</p>	<p>Clyde O Van Kleeck Jr. Digitally signed by Clyde O Van Kleeck Jr. Date: 2025.11.03 07:42:17 -05'00'</p>	LOCATION No: 18-34-02	DESCRIPTION
		PROJECT No: 251010	 CIVIL ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE 265 Kenilworth Avenue • Ormond Beach • Florida 32174 Voice: 386.672.8515 • Fax: 386.675.8554 • uphaminc.com LIC# 0003612
		DATE: 10/31/2025	
		CHECKED BY: JEA	
		DRAFTED BY: LAL	
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