

RESOLUTION 2024-R-02

A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA, TO DEDICATE PARCEL 84140500000J WITHIN EDGEWATER PRESERVE PHASE 1 AS PALM AVENUE; 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 applied to dedicate Parcel 84140500000J within Edgewater Preserve Phase 1 as Palm Avenue, being more particularly described in Exhibits "A" and "B"; and

WHEREAS, The dedication of Parcel 84140500000J will allow for 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 March 21, 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 dedicate Parcel 84140500000J as Palm Avenue.

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 dedicates Parcel 84140500000J 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**

TRACT J, EDGEWATER PRESERVE PHASE 1, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN MAP BOOK 64, PAGES 150 THROUGH 155 INCLUSIVE, OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXHIBIT "B"

