



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## **AGENDA CITY COUNCIL MEETING OCTOBER 11, 2022 6:00 PM, Shores Community Center, 3000 Bellemead Drive Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
- 6. APPROVAL OF MINUTES**
  - A. City Council Workshop Minutes September 27, 2022
  - B. City Council Minutes September 27, 2022
- 7. CONSENT AGENDA:**

**8. REPORTS OF THE CITY ATTORNEY:**

- A. City Attorney Report October 11, 2022

**9. REPORTS OF THE CITY MANAGER:**

- A. CM Report October 11, 2022

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

- A. Ordinance 2022-16: Voluntary Annexation - 2822 S Atlantic Avenue
- B. Ordinance 2022-17: Voluntary Annexation - 2820 S Atlantic Avenue
- C. Ordinance 2022-18: Voluntary Annexation - 3615 Cardinal Boulevard
- D. Ordinance 2022-19: Voluntary Annexation - 105 Broad Avenue
- E. Resolution 2022-10: Consideration to waive city building permit fees for Hurricane related damages
- F. Discussion on Temporary Signage For Businesses

**12. COUNCIL COMMENTS:**

**13. AUDIENCE REMARKS/PUBLIC COMMENTS:**

**14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:**

**15. ADJOURNMENT:**

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF DAYTONA BEACH SHORES, 2990 S. ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118, TELEPHONE NUMBER 386-7635364, CSCHWAB@CITYOFDBS.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS

OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 711 or 1 8009558771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

**MINUTES**  
**CITY COUNCIL WORKSHOP**  
**September 27, 2022**  
**3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER BY MAYOR**

**Present:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos  
**Staff:** City Manager Kurt Swartzlander, City Clerk Cheri Schwab, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox.

**2. ROLL CALL BY CITY CLERK**

**3. NEW BUSINESS:**

A. Interview John Nissenzone for Planning & Zoning Board

Mayor Miller questioned Mr. Nissenzone regarding the board's duties and responsibilities. He explained that he had previously served on the Recreation Board until it was dissolved. He admitted that he did not have a strong background in the planning field, but would like to give back to the community and help shape the city moving forward. He works a few part-time jobs but would not have an issue attending monthly meetings.

B. Interview Guy Desai for Planning & Zoning Board

Mayor Miller questioned Mr. Desai regarding the board's duties and responsibilities. He stated that he would be open to either regular or alternate member status. He is a local businessman who could bring a different perspective to the board. His background has been in analyzing contracts and looking at past trends. He has not been on any local committee or board for the city.

**4. ADJOURNMENT:**

The meeting ended at 5:50 p.m.

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**MAYOR**  
**NANCY MILLER**

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**CITY MANAGER**  
**KURT D. SWARTZLANDER**

**ATTEST:**

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**CITY CLERK, CHERI SCHWAB**

**MINUTES  
CITY COUNCIL MEETING  
September 27, 2022  
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER BY MAYOR**

**Present:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos  
**Staff:** City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Director Stephan Dembinsky.

**2. ROLL CALL BY CITY CLERK**

**3. PRAYER**

**4. PLEDGE OF ALLEGIANCE**

**5. NEW BUSINESS (TRIM PROCESS ONLY):**

**A. RESOLUTION 2022-08 FINAL LEVYING OF AD VALOREM TAXES**

Finance Director Lory Irwin stated the proposed millage rate for the record of 4.6389 mills. There has been no change from what was previously approved and discussed by the council. It is a tax increase of 4.51% of the rolled back rate. Resolution 2022-08 was read in its entirety by City Attorney John Cary. The time of adoption was 6:08 p.m.

**COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt RESOLUTION 2022-08 on first reading.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

**B. RESOLUTION 2022-09 FINAL FY 2022-2023 BUDGET**

Finance Director Lory Irwin stated that there was no change to the proposed budget. The total amount does include the purchase of the Chase Bank property. City Attorney John Cary read Resolution 2022-09 in its entirety. It was adopted at 6:10 p.m.

**VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER CHRIS**

**CONOMOS to Adopt RESOLUTION 2022-09 on first reading.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

**6. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**

**7. APPROVAL OF MINUTES**

A. City Council Minutes September 12, 2022

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve the City Council Minutes of September 12, 2022.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

**8. CONSENT AGENDA:**

A. Public Safety monthly report

B. Community Services Department Monthly Report - August 2022

C. Agreement for Service - Southeast Volusia Humane Society & City of Daytona Beach Shores

D. Mead & Hunt Continuing Contract for Professional Services Authorization

**COUNCILMEMBER CHRIS CONOMOS moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve the consent agenda.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan,

**9. REPORTS OF THE CITY ATTORNEY:**

A. City Attorney Report

City Attorney John Cary reviewed the report to the council. There were no additional comments or questions.

**10. REPORTS OF THE CITY MANAGER:**

A. City Manager Report 9-27-22

City Manager Kurt Swartzlander reviewed his submitted report. He included information regarding Hurricane Ian. He declared a State of Emergency effective 5:00 p.m. City Hall will be closed for the next two days. He thanked Public Safety Director Stephan Dembinsky for his many years of service as this was his last council meeting. It was noted that the concert was canceled for Friday evening, but that Saturday activities will continue, weather permitting.

**11. OLD BUSINESS:**

A. Ordinance for Purchase of Chase Property

City Attorney John Cary read the ordinance by title. There were no additional comments or questions.

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-15 on second reading.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

**12. NEW BUSINESS:**

A. Planning & Zoning Board appointments

**COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve the reappointment of four regular members to the Planning & Zoning Board.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

Vice Mayor Lindauer inquired about the past attendance by the current alternate members. City Clerk Cheri Schwab answered that Anthony Rembiszewski had two recent unexcused absences. It was noted that alternates are required to attend every board meeting the same as regular members.

**COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Appoint Jeni Groot as a regular board member to the Planning & Zoning Board.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

The council held a brief discussion regarding the two candidates for the alternate position.

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to waive the residency requirement and Appoint Guy Desai as an alternate member to the Planning & Zoning Board.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

- B. Non-conforming Sign Removal Incentive Grant Application: Daytona Diner - 2043 S. Atlantic Ave.

City Planner Noel Eaton provided the details for the sign grant application. The applicant received three bids and would qualify for the minimum \$2,000 grant. Staff recommended approval providing that the sign meets all code requirements and there are no current code enforcement violations.

**COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve the Non-conforming Sign Grant for Daytona Diner in the amount of \$2,000.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

- C. Non-conforming Sign Removal Incentive Grant Application: 3218 S. Atlantic Ave.

City Planner Noel Eaton provided the details for the sign grant application. The plaza includes Millies, Bruno's Pizza and the Family Spot. The applicant received two bids and would qualify for a \$2,025 grant. Staff recommended approval providing that the sign meets all code requirements and there are no current code enforcement violations.

**COUNCILMEMBER CHRIS CONOMOS moved, seconded by VICE MAYOR MEL**

**LINDAUER to Approve the Non-conforming Sign Grant Application for 3218 S. Atlantic Ave in the amount of \$2,025.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

**D. Veterans Park Project**

Community Services Director Stewart Cruz provided background on the project. The US Space Force branch has been added as part of the US Armed Forces and staff would like to add the flag to the Veterans Park. Two options were presented to the council for consideration. The first option moved the flags to the western side of the park in a tight semi-circle. The second option was also on the western side of the park at a wider angle. Additional sidewalks and landscaping are also included. After a brief discussion, the council preferred the second option that showed a more spread out semi-circle for the flags.

**13. COUNCIL COMMENTS:**

The entire council hoped for everyone to stay safe with Hurricane Ian expected to impact the city beginning Wednesday. They also thanked Director Dembinsky for his many years of service and wished him well on his retirement. CMBR Conomos requested a future discussion about a beautification project in the north end of the city. Mayor Miller asked for that discussion to be placed on a January agenda. CMBR Conomos also referenced an email from resident and former City Attorney Lonnie Groot. He had requested renaming a street and tennis court. Mayor Miller explained that the request had been brought before them and it was decided not to move forward with either request. The email also discussed creating a program to spotlight residents who go above and beyond and the creation of a timeline for past Mayors.

**14. AUDIENCE REMARKS/PUBLIC COMMENTS:**

There were no audience comments.

**15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:**

There were no additional items added to the next agenda.

**16. ADJOURNMENT:**

The meeting ended at 7:00 p.m.

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**MAYOR  
NANCY MILLER**

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**CITY MANAGER  
KURT D. SWARTZLANDER**

**ATTEST:**





Article II, Section 8, *Constitution of the State of Florida*: ***“Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”***

**“LIFE IS BETTER HERE.”**

**CITY COUNCIL AGENDA MEMORANDUM  
OCTOBER 11, 2022 AGENDA**

**TO:** Honorable Mayor and Members of the City Council  
**COPIES TO:** Kurt Swartzlander, City Manager  
Cheri Schwab, City Clerk  
**FROM:** John Cary, City Attorney  
**DATE:** October 4, 2022  
**SUBJECT:** ***City Attorney Report***

The following is intended as my written report to the City Council for matters arising subsequent to its last meeting of September 27, 2022. Please advise if you have any questions, comments or concerns relative to these matters.

**(1) Code Enforcement**

Held a conference with Code Enforcement staff to advise on a potential condemnation case.

**(2) Piggyback Contract**

Provided legal review, including working on amendments with opposing counsel, on a piggyback contract.

**(3) Public Safety Mutual Aid Agreement**

Provided a legal review of a Public Safety Department Mutual Aid Agreement with Ponce Inlet.

**(4) Public Safety Agreement with FDOC**

Provided a preliminary legal review of an agreement with the Florida Department of

Corrections.

**(5) *Employee Personnel Issue***

Consulted with staff about an employee personnel issue.

**(6) *Charter Information***

Worked with staff to draft charter informational materials and provided legal advice with respect to the new statute about communicating with residents about ballot initiatives.

**Respectfully, submitted,**

/s/ John Cary, City Attorney



# CITY OF DAYTONA BEACH SHORES

*"Life Is Better Here"*

Office of the City Manager

Phone (386) 763-5373 Fax (386) 763-5360

## MEMORANDUM

**DATE:** October 6, 2022

**TO:** City Council: Mayor Nancy Miller, Vice Mayor Mel Lindauer,  
Council Member Richard Bryan, Council Member Chris Conomos,  
and Council Member Michael Politis

**FROM:** Kurt D. Swartzlander, City Manager

**SUBJECT:** City Manager's Report – October 11, 2022

## PRESENTATION:

## UPDATE ON POST STORM CONDITIONS THROUGHOUT THE CITY



## **CITY COUNCIL AGENDA MEMORANDUM OCTOBER 11, 2022 AGENDA**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Noel Eaton, Planner

**PREPARED BY:** Noel Eaton, Planner

**SUBJECT:** Ordinance 2022-16: Voluntary Annexation - 2822 S Atlantic Avenue

### **SYNOPSIS:**

Krista Goodrich agent on behalf of The Dogg Pound LLC and Peter and Vanessa Troung, property owners of the unincorporated Volusia County single-family residential property located at 2822 S Atlantic Avenue (Exhibit 1), have petitioned the City of Daytona Beach Shores for voluntary annexation into the City's corporate limits (Exhibit 2) pursuant to Section 171.044, *Florida Statutes*. The owners purchased the property in August of 2021. If adopted, Ordinance 2022-16 will annex the subject property and adjacent right-of-way into the City limits of Daytona Beach Shores.

### **FISCAL IMPACT STATEMENT:**

### **BACKGROUND:**

The subject property is approximately 0.33 of an acre with dimensions of 75' x190'. The property contains a 2,638 square foot two-story, with finished basement, single-family residential structure (Exhibit 3). Pursuant to Section 171.062, *Florida Statutes*, the owners have also submitted applications to amend the future land use and zoning classifications of the property in question to those of the City. The future land use amendment and rezoning ordinances will be adopted subsequent to the formal annexation of the subject property.

Exhibit 4 attached provides a general description of the subject property, while Exhibit 5 demonstrates compliance with the voluntary annexation requirements prescribed in Section 171.044, *Florida Statutes*.

### **LEGAL REVIEW:**

Approved as to form and legality.

### **RECOMMENDATION:**

Staff recommends approval of Ordinance 2022-16 as presented.

**SUGGESTED MOTION:**

A City Council Member may motion as follows:

"I move to approve Ordinance 2022-16 as presented."

- ATTACHMENT:**
1. Ord 2022-16-Voluntary Annexation-2822 S Atlantic Ave
  2. Ordinance 2022-16 Exhibit-Survey
  3. Staff Report & Exhibits-2822 S Atlantic Ave

**ORDINANCE NO. 2022-16**

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RELATING TO VOLUNTARY ANNEXATION OF REAL PROPERTY LOCATED AT 2822 SOUTH ATLANTIC AVENUE (SHORT PARCEL IDENTIFICATION NUMBER 5327-05-00-0980) TOGETHER WITH ASSOCIATED RIGHT-OF-WAYS IN ACCORDANCE WITH SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; REDEFINING THE BOUNDARIES OF THE CITY; PROVIDING FOR LEGAL EFFECT AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR NON-CODIFICATION AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Dog Pound LLC., property owner, applied for annexation of property into the City of Daytona Beach Shores and is hereby determined to be the fee simple title owner of the real property described below; and

**WHEREAS**, the said applicants petitioned the City of Daytona Beach Shores, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Daytona Beach Shores; and

**WHEREAS**, the subject property is currently addressed 2822 South Atlantic Avenue; and

**WHEREAS**, the subject property currently has a Short Tax Parcel Identification Number 5327-05-00-0980; and

**WHEREAS**, the City of Daytona Beach Shores has determined that all of the property which is proposed to be annexed into the City of Daytona Beach Shores is within an unincorporated area of Volusia County, is reasonably compact and contiguous to the corporate areas of the City of Daytona Beach Shores, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

**WHEREAS,** the City Council of the City of Daytona Beach Shores, Florida hereby determines that it is to the advantage of the City of Daytona Beach Shores and in the best interests of the citizens of the City of Daytona Beach Shores to annex the aforescribed property; and

**WHEREAS,** the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

**WHEREAS,** the provisions of Section 171.091, *Florida Statutes*, provide as follows:

*Recording.*—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

; and

**WHEREAS,** the map attached hereto as Exhibit “A” shows, describes, and depicts the property and named associated rights-of-ways which are hereby annexed into the City of Daytona Beach Shores said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:**

**SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.**

(a). The City Council of the City of Daytona Beach Shores hereby finds that the recitations set forth are true and correct and that the requirements of Section 171.044, *Florida Statutes*, as well as all other requirements of controlling law, have been complied with in every respect.

(b). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, “[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. . . . A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State . . .” This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance.

**SECTION TWO: ANNEXATION INTO THE CITY.** The real property depicted and described by metes and bounds in Exhibit “A” appended hereto, which Exhibit is made part hereof and which property is owned by the petitioning property owners, and further described as set forth below, together with the associated rights-of-way as described below, is hereby annexed into the City Limits of the City of Daytona Beach Shores, said property being described as follows:

LOT 98 LYING EASTERLY OF RIDGE AVENUE, AND THE NORTH 1/2 OF LOT 99 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), LYING NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF LOT 99 AND SOUTH OF THE NORTH LINE OF LOT 98, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 98; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 98 AND THE EAST LINE OF THE NORTH 1/2 OF LOT 99 TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 99; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE NORTH LINE OF SAID LOT 98; THENCE EASTERLY ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF LOT 98 AND THE POINT OF BEGINNING. CONTAINING 0.344 ACRES, MORE OR LESS.

**SECTION THREE: CHANGE IN CITY BOUNDARIES/LEGAL EFFECT OF ANNEXATION.** The boundary lines of the City Limits of the City of Daytona Beach Shores are hereby redefined and, upon the effective date of this Ordinance shall also encompass the annexed property as described herein and depicted in Exhibit “A”. Upon this Ordinance becoming effective, the property owner of the annexed property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City and the provisions of said Chapter 171, *Florida Statutes*.

**SECTION FOUR: ADMINISTRATIVE IMPLEMENTING ACTIONS.**

- (a). Within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Volusia County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.
- (b). The City Manager, or designees within City management staff, shall ensure that the property annexed by this Ordinance is incorporated into the City of Daytona Beach Shores *Comprehensive Plan* and the *Official Zoning Map* of the City of Daytona Beach Shores in an expeditious manner and, in accordance with, and pursuant to, the provisions

of Under the authority of Section 166.031(3), *Florida Statutes*, the City Manager, or designees, shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

**SECTION FIVE: CONFLICTS.** Any and all ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION SIX: SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION SEVEN: NON-CODIFICATION.** This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores*, or the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted on the pertinent maps of the City of Daytona Beach Shores by the City Manager, or designee.

**SECTION EIGHT: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and adoption.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

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**NANCY MILLER, MAYOR**

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**KURT SWARTZLANDER, CITY MANAGER      CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

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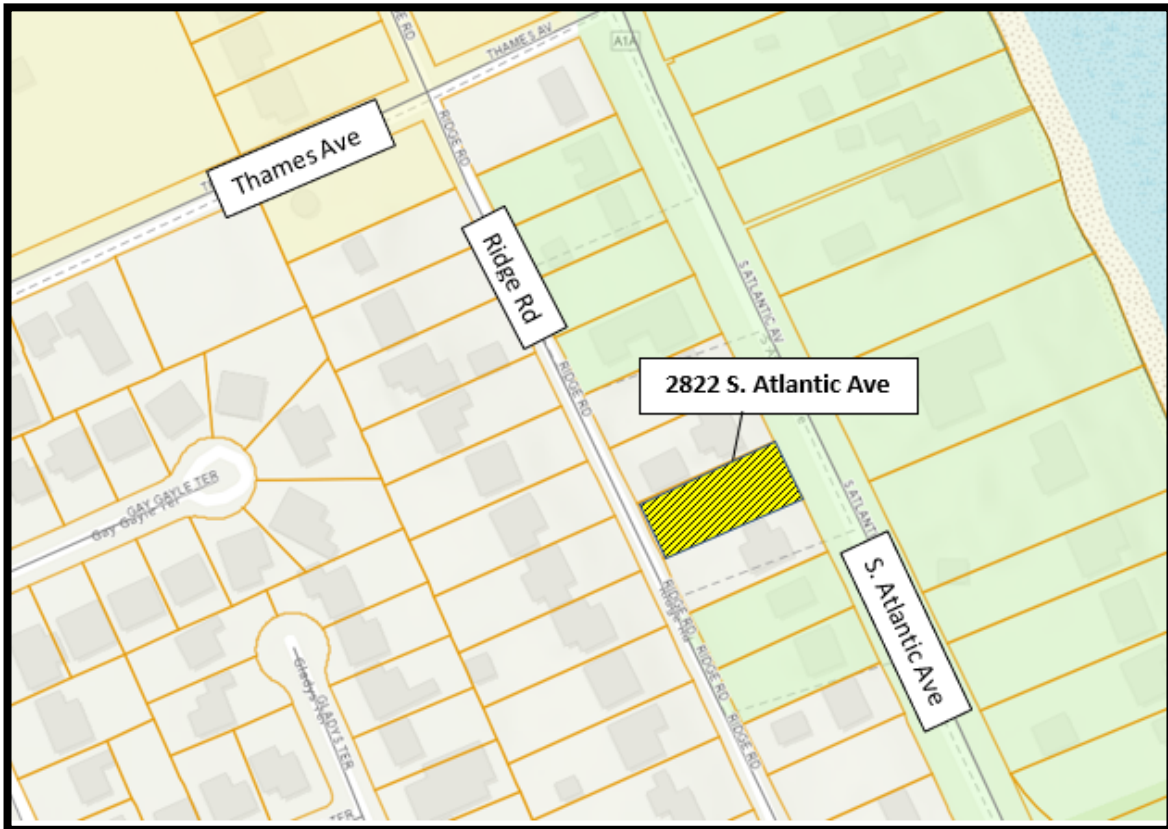
**JOHN CARY, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

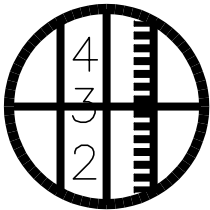
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

## EXHIBIT A

### (1) Location Map of Annexing Property (2822 S. Atlantic Avenue)



### (2) Metes and Bounds Description/Sketch (Attached)



SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL. 32127  
(386) 761-5385

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www.sligerassociates.com

SURVEYORS NOTES

- 1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/ SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
- 2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- 3. BEARING STRUCTURE ASSUMED NORTH WITH THE BEARING ON THE NORTHERLY LINE OF LOT 26, CARTER-NORWOOD REPLAT BEING N64°09'00"E.
- 4. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR VALID DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- 5. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.
- 6. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC. 12/27/2021.

DESCRIPTION

LOT 98 LYING EASTERLY OF RIDGE AVENUE, AND THE NORTH 1/2 OF LOT 99 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), LYING NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF LOT 99 AND SOUTH OF THE NORTH LINE OF LOT 98, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 98; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 98 AND THE EAST LINE OF THE NORTH 1/2 OF LOT 99 TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 99; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE NORTH LINE OF SAID LOT 98; THENCE EASTERLY ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF LOT 98 AND THE POINT OF BEGINNING.  
CONTAINING 0.344 ACRES, MORE OR LESS.

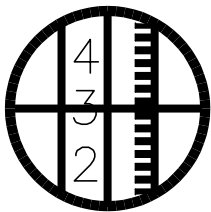
REFERENCE: 2822 S. ATLANTIC AVENUE

THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND\OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

| TYPE OF SURVEY | CERTIFIED TO                          | SURVEY DATE | JOB NUMBER |
|----------------|---------------------------------------|-------------|------------|
| SKETCH OF      | CITY OF DAYTONA BEACH SHORES, FLORIDA | 09/02/2022  | 22-1152    |
| DESCRIPTION    |                                       |             |            |
|                |                                       |             |            |

SHEET 2 OF 2

| FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA |            |         |      |      |            | I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. |
|--------------------------------------------|------------|---------|------|------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | DATE       | JOB NO. | P.C. | DRW. | CHECKED BY |                                                                                                                                                                                                                                       |
| SKETCH OF DESCRIPTION                      | 09/02/2022 | 22-1152 |      | JM   | JZ         |                                                                                                                                                                                                                                       |
| BOUNDARY SURVEY                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| TOPOGRAPHIC SURVEY                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FOUNDATION LOCATED                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FINAL IMPROVEMENTS                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| RECERTIFICATION                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| PROPOSED HOUSE LOCATION                    |            |         |      |      |            | J.E. ZAPERT, P.L.S. NO. 4046                                                                                                                                                                                                          |
|                                            |            |         |      |      |            |                                                                                                                                                                                                                                       |



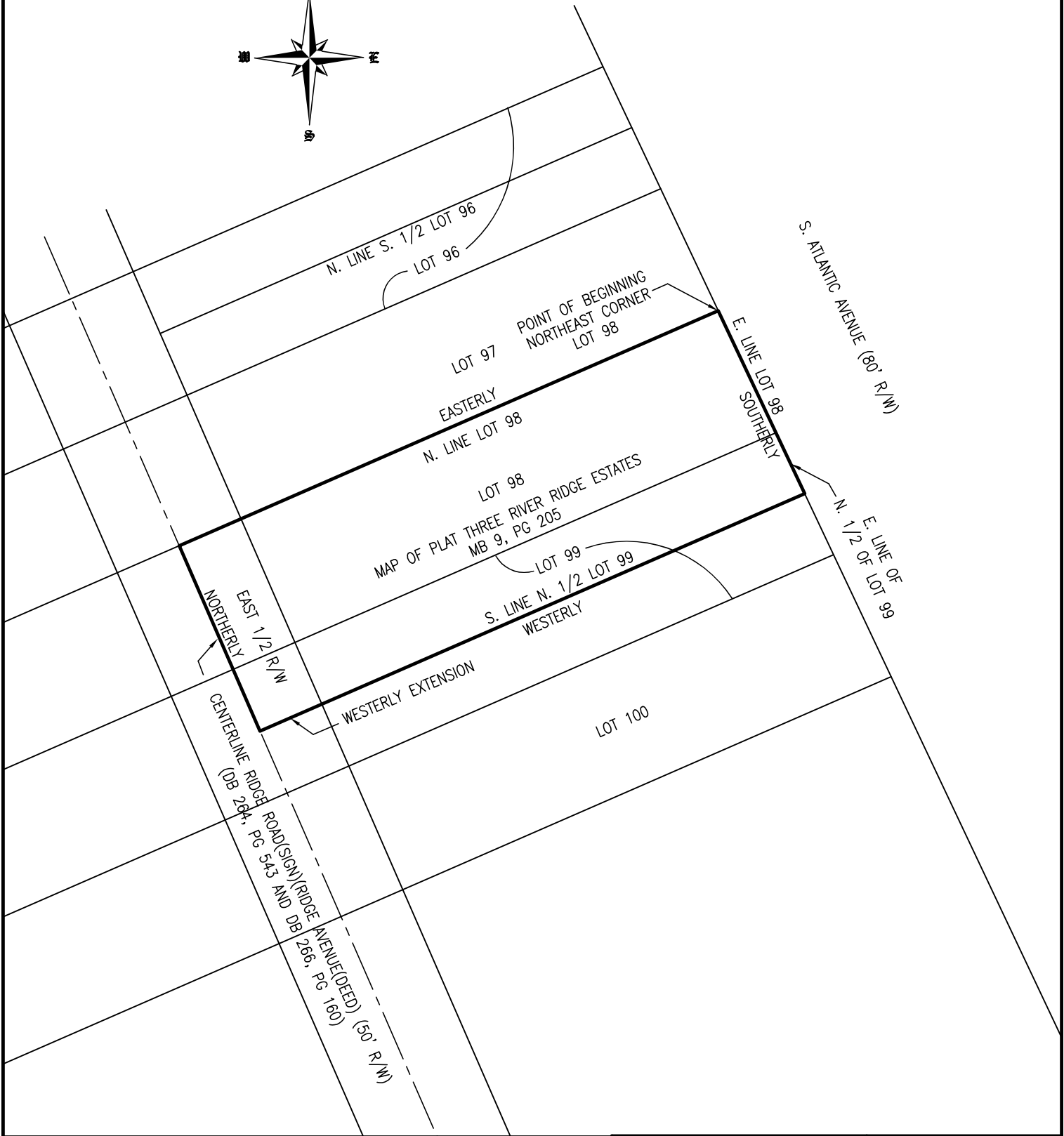
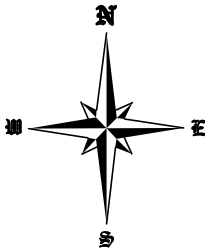
SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL. 32127  
(386) 761-5385

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SKETCH OF DESCRIPTION  
NOT A BOUNDARY SURVEY

FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA

DESCRIPTION:  
ANNEXATION DESCRIPTION. SEE  
SHEET 2 FOR LEGAL DESCRIPTION

JOB #22-1152 2822 S. ATLANTIC AVENUE

SCALE: 1"=50'

FIELD BOOK:

PAGE:

ABBREVIATIONS

|               |                                         |
|---------------|-----------------------------------------|
| (P)           | PLATTED DIMENSION                       |
| (D)           | DEEDED DIMENSION                        |
| (M)           | MEASURED DIMENSION                      |
| (C)           | CALCULATED DIMENSION                    |
| ID            | IDENTIFICATION                          |
| A/C           | AIR CONDITIONER                         |
| R/W           | RIGHT OF WAY                            |
| CL            | CENTERLINE                              |
| D             | CENTRAL ANGLE                           |
| R             | RADIUS                                  |
| L             | ARC LENGTH                              |
| CB            | CHORD BEARING                           |
| FP&L CO.      | FLORIDA POWER & LIGHT COMPANY           |
| N.G.V.D.      | NATIONAL GEODETIC VERTICAL DATUM        |
| U.S.C. & G.S. | UNITED STATES COAST AND GEODETIC SURVEY |

SHEET 1 OF 2

LEGEND

|      |                              |
|------|------------------------------|
| ●    | IRON ROD WITH CAP            |
| ○    | IRON PIPE                    |
| □    | CONCRETE MONUMENT            |
| ■    | PERMANENT REFERENCE MONUMENT |
| △    | PERMANENT CONTROL POINT      |
| (R)  | RADIAL LINE                  |
| (NR) | NON-RADIAL LINE              |
| ○    | EXISTING ELEVATION           |
| □    | PROPOSED ELEVATION           |

**EXHIBIT 1: Location Map of Annexing Property (2822 S Atlantic Avenue)**



**Source:** Volusia County Property Appraiser Website, 2022

## EXHIBIT 2

### A: Annexation Application for 2822 S Atlantic Avenue



City of Daytona Beach Shores  
Building & Codes Division 575457  
2990 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118  
Telephone (386) 763-5377 Fax (386) 763-5370  
12022035  
AUG 22 2022  
BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

8/2/22  
(Date)

I (We) the undersigned am the sole property owner(s) of 2822 S Atlantic Ave Volusia  
County, Florida. (Street Address)

By this letter, I (We) am requesting annexation into the City of Daytona Beach Shores, Florida.  
It is my (our) understanding that the fee for legal advertising has been waived by the City and  
that I (we) will not incur any costs for annexation. 5327-05-00-0480

Signed,

[Signature]  
Signature

Krista Goodrich 386 341 8557  
Name (Printed or typed) Telephone

[Signature]  
Signature

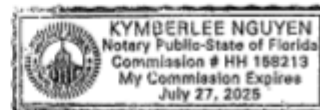
Peter Truong 386-451-5291  
Name (Printed or typed) Telephone

[Signature]  
Signature

Hanessa Truong 386 451 3106  
Name (Printed or typed) Telephone

SWORN to and subscribed before me this 2 day of August, 2022 by  
Hanessa & Peter Truong (who is personally known to me X or produced  
Identification \_\_\_\_\_ Type of Identification provided \_\_\_\_\_

[Signature]  
Notary Public - State of Florida  
My Commission Expires:



Please return this form to: Annexation Committee  
c/o Planning Department  
City of Daytona Beach Shores  
2990 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118

## EXHIBIT 2

### B: Property Appraiser Website Owner Information for 2822 S Atlantic Avenue



**Volusia County Property Appraiser**  
123 W. Indiana Ave., Rm. 102  
DeLand, FL 32720  
Phone: (386) 736-5901 Web: [vcpa.vcgov.org](http://vcpa.vcgov.org)

#### Property Summary

|                             |                                                                                                                                                                                                                |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alternate Key:              | 3426487                                                                                                                                                                                                        |
| Parcel ID:                  | 532705000980                                                                                                                                                                                                   |
| Township-Range-Section:     | 15 - 33 - 27                                                                                                                                                                                                   |
| Subdivision-Block-Lot:      | 05 - 00 - 0980                                                                                                                                                                                                 |
| Business Name:              |                                                                                                                                                                                                                |
| Owner(s):                   | <p>TRUONG PETER - TE - Tenancy in the Entirety - 50%</p> <p>TRUONG VANESSA - TE - Tenancy in the Entirety - 50%</p> <p>DOGG POUND LLC - TIC - Tenancy in Common - 50%</p>                                      |
| Mailing Address On File:    | <p>18 KINGS BRIDGE CROSSING</p> <p>ORMOND BEACH FL 32174</p>                                                                                                                                                   |
| Physical Address:           | 2822 S ATLANTIC AVE, DAYTONA BEACH 32118                                                                                                                                                                       |
| Building Count:             | 1                                                                                                                                                                                                              |
| Neighborhood:               | 3103 - SOUTH ATLANTIC AVE                                                                                                                                                                                      |
| Subdivision Name:           | RIVER RIDGE ESTATES LOTS 1-13                                                                                                                                                                                  |
| Property Use:               | 0100 - SINGLE FAMILY                                                                                                                                                                                           |
| Tax District:               | 200-UNINCORPORATED - NORTHEAST                                                                                                                                                                                 |
| 2022 Proposed Millage Rate: | 18.2602                                                                                                                                                                                                        |
| Homestead Property:         | No                                                                                                                                                                                                             |
| Agriculture Classification: | No                                                                                                                                                                                                             |
| Short Description:          | <p>LOT 98 &amp; N 1/2 OF LOT 99 ALL E OF CO RD RIVER RIDGE ESTATES</p> <p>PER OR 7501 PG 3655 PER OR 7501 PG 3656 PER OR 7561 PGS 1980</p> <p>-1981 PER OR 8032 PG 1552 PER OR 8111 PG 2692 PER OR 8128 PG</p> |

#### Property Values

| Tax Year:   | 2022 Working  | 2021 Final    | 2020 Final    |
|-------------|---------------|---------------|---------------|
| Valuation   | 1-Market      | 1-Market      | 1-Market      |
| Method:     | Oriented Cost | Oriented Cost | Oriented Cost |
| Improvement | \$96,990      | \$116,348     | \$119,418     |
| Value:      | \$187,481     | \$78,750      | \$78,750      |
| Land Value: | \$284,471     | \$195,098     | \$198,168     |
| Just/Market |               |               |               |
| Value:      |               |               |               |

#### Working Tax Roll Values by Taxing Authority



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
THE DOGG POUND LLC

### Filing Information

**Document Number** L21000061403  
**FEI/EIN Number** 86-1860839  
**Date Filed** 02/04/2021  
**Effective Date** 02/03/2021  
**State** FL  
**Status** ACTIVE

### Principal Address

2800 South Peninsula Drive  
Daytona Beach, FL 32118

Changed: 05/25/2022

### Mailing Address

1280 BELAIRE DR  
DAYTONA BEACH, FL 32118

### Registered Agent Name & Address

GOODRICH, KRISTA  
1280 BELAIRE DR  
DAYTONA BEACH, FL 32118

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

NGUYEN, KYMBERLEE  
1280 BELAIRE DR  
DAYTONA BEACH, FL 32118

Title MGR

VU, JOHN  
3435 PRESERVATION DR  
FAIRFAX, VA 22031

Title MGR

ISLAND DREAMS INVESTMENTS LP  
1280 BELAIRE DRIVE  
DAYTONA BEACH, FL 32118

**Annual Reports**

| <b>Report Year</b> | <b>Filed Date</b> |
|--------------------|-------------------|
| 2022               | 03/08/2022        |

**Document Images**

|                                                         |                                          |
|---------------------------------------------------------|------------------------------------------|
| <a href="#">03/08/2022 -- ANNUAL REPORT</a>             | <a href="#">View image in PDF format</a> |
| <a href="#">02/04/2021 -- Florida Limited Liability</a> | <a href="#">View image in PDF format</a> |

### EXHIBIT 3

#### A: Aerial View of Annexing Property (2822 S Atlantic Avenue)



Source: Volusia County Property Appraiser Website, 2022

#### B: Street View of Annexing Property (2822 S Atlantic Avenue)



Source: GoogleMaps, 2022

**EXHIBT 4  
PRE-ANNEXATION FORM**

Name of Property Owner(s):

Peter Truong, Vanessa Truong & Dogg Pound LLC

Property Address/Tax Parcel ID: 2822 S Atlantic Avenue / 5327-05-00-0980

Lot Size: 75' x 190' = 14,250sf (0.33 acres)

According to Volusia County property records, does this property appear to meet Section 171.044 of Florida Statutes? Yes X No       

How is property contiguous? East X West        North        South       

Property Appraiser Just/Market Value: \$284,471

Homesteaded Property: Yes        No X

Special Flood Hazard Area? Yes        No X

Improved Lot X Unimproved Lot (Vacant)       

Existing Use: Single-family Residential

Conforming Land Use: X Non-Conforming Land Use:        Explain:

Existing County Zoning: R-4 Urban Single-Family Residential District

Existing County Land Use: Urban Low Intensity

Condition of Property: Poor        Good        Excellent X

Water: Port Orange X Daytona Beach       

Sanitary: Sewer        Septic Tank X

If septic tank on site, is sewer available?        Yes        No X

Metes and Bounds Survey conducted? Yes X No       

Prepared by: Noel Eaton, City Planner Date: September 12, 2022

**EXHIBIT 5:** Voluntary Annexation Criteria pursuant to Section 171.044, *Florida Statutes*

| Section    | Annexation Criteria                                                                     | Criteria Met | Comments                                                                                                                                                                                                                                   |
|------------|-----------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 171.044(1) | Property must be contiguous to the City.                                                | Yes          | Per Sec. 171.031(11), subject property is contiguous to the City to the east.                                                                                                                                                              |
| 171.044(1) | Property must be reasonably compact.                                                    | Yes          | Per Sec. 171.031(12), subject property is reasonably compact and will not create new enclaves, pockets or finger areas in serpentine patterns. In addition, the annexation will aid in reducing the larger county enclave in the vicinity. |
| 171.044(2) | Petition bears the signatures of all owners of property.                                | Yes          | See <b>Exhibit 2</b> .                                                                                                                                                                                                                     |
| 171.044(2) | Meet publication requirements.                                                          | Yes          | Evidence filed with the Office of the City Clerk.                                                                                                                                                                                          |
| 171.044(3) | Ordinance shall be filed per statute.                                                   | Pending      | Ordinance filing will occur per statutory deadline subsequent to the Ordinance's adoption.                                                                                                                                                 |
| 171.044(3) | Ordinance shall include a map and legal description by metes and bounds.                | Yes          | See Ordinance 2022-16.                                                                                                                                                                                                                     |
| 171.044(4) | Annexation method shall be supplemental to any other procedure provided by general law. | N/A          |                                                                                                                                                                                                                                            |
| 171.044(5) | Annexation shall not create enclaves.                                                   | Yes          | Per Sec. 171.031(13), subject property does not create an enclave. In fact the annexation will reduce the larger County enclave that currently exists in this area.                                                                        |
| 171.044(6) | Provision of notice to County Commissioners per statute.                                | Yes          | Notice provided via certified mail per statutory requirement.                                                                                                                                                                              |



## **CITY COUNCIL AGENDA MEMORANDUM OCTOBER 11, 2022 AGENDA**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Noel Eaton, Planner

**PREPARED BY:** Noel Eaton, Planner

**SUBJECT:** Ordinance 2022-17: Voluntary Annexation - 2820 S Atlantic Avenue

### **SYNOPSIS:**

Belinda Jenkins, owner of the unincorporated Volusia County single-family residential property located at 2820 S Atlantic Avenue (Exhibit 1), has petitioned the City of Daytona Beach Shores for voluntary annexation into the City's corporate limits (Exhibit 2) pursuant to Section 171.044, *Florida Statutes*. The owner purchased the property in January of 2021. If adopted, Ordinance 2022-17 will annex the subject property and adjacent right-of-way into the City limits of Daytona Beach Shores.

### **FISCAL IMPACT STATEMENT:**

### **BACKGROUND:**

The subject property is approximately 0.34 of an acre with dimensions of 75' x186'. The property contains a 1,918 square foot single-story single-family residential structure (Exhibit 3). Pursuant to Section 171.062, *Florida Statutes*, the owner has also submitted applications to amend the future land use and zoning classifications of the property in question to those of the City. The future land use amendment and rezoning ordinances will be adopted subsequent to the formal annexation of the subject property.

Exhibit 4 attached provides a general description of the subject property, while Exhibit 5 demonstrates compliance with the voluntary annexation requirements prescribed in Section 171.044, *Florida Statutes*.

### **LEGAL REVIEW:**

Approved as to form and legality.

### **RECOMMENDATION:**

Staff recommends approval of Ordinance 2022-17 as presented.

**SUGGESTED MOTION:**

A City Council Member may motion as follows:

"I move to approve Ordinance 2022-17 as presented."

- ATTACHMENT:**
1. Ord 2022-17-Voluntary Annexation-2820 S Atlantic Ave
  2. Ordinance 2022-17 Exhibit- Survey
  3. Staff Report & Exhibits-2820 S Atlantic Ave

**ORDINANCE NO. 2022-17**

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RELATING TO VOLUNTARY ANNEXATION OF REAL PROPERTY LOCATED AT 2820 SOUTH ATLANTIC AVENUE (SHORT PARCEL IDENTIFICATION NUMBER 5327-05-00-0971) TOGETHER WITH ASSOCIATED RIGHT-OF-WAYS IN ACCORDANCE WITH SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; REDEFINING THE BOUNDARIES OF THE CITY; PROVIDING FOR LEGAL EFFECT AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR NON-CODIFICATION AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Belinda Jenkins, property owner, applied for annexation of property into the City of Daytona Beach Shores and is hereby determined to be the fee simple title owner of the real property described below; and

**WHEREAS**, the said applicants petitioned the City of Daytona Beach Shores, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Daytona Beach Shores; and

**WHEREAS**, the subject property is currently addressed 2820 South Atlantic Avenue; and

**WHEREAS**, the subject property currently has a Short Tax Parcel Identification Number 5327-05-00-0971; and

**WHEREAS**, the City of Daytona Beach Shores has determined that all of the property which is proposed to be annexed into the City of Daytona Beach Shores is within an unincorporated area of Volusia County, is reasonably compact and contiguous to the corporate areas of the City of Daytona Beach Shores, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

**WHEREAS,** the City Council of the City of Daytona Beach Shores, Florida hereby determines that it is to the advantage of the City of Daytona Beach Shores and in the best interests of the citizens of the City of Daytona Beach Shores to annex the aforescribed property; and

**WHEREAS,** the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

**WHEREAS,** the provisions of Section 171.091, *Florida Statutes*, provide as follows:

*Recording.*—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

; and

**WHEREAS,** the map attached hereto as Exhibit “A” shows, describes, and depicts the property and named associated rights-of-ways which are hereby annexed into the City of Daytona Beach Shores said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:**

**SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.**

(a). The City Council of the City of Daytona Beach Shores hereby finds that the recitations set forth are true and correct and that the requirements of Section 171.044, *Florida Statutes*, as well as all other requirements of controlling law, have been complied with in every respect.

(b). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, “[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. . . . A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State . . .” This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance.

**SECTION TWO: ANNEXATION INTO THE CITY.** The real property depicted and described by metes and bounds in Exhibit “A” appended hereto, which Exhibit is made part hereof and which property is owned by the petitioning property owners, and further described as set forth below, together with the associated rights-of-way as described below, is hereby annexed into the City Limits of the City of Daytona Beach Shores, said property being described as follows:

LOT 97 LYING EASTERLY OF RIDGE AVENUE, AND THE SOUTH 1/2 OF LOT 96 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), NORTH OF THE SOUTH LINE OF LOT 97 AND SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF LOT 96, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 97; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 97 TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE, TO THE THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 96; THENCE EASTERLY ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 96, TO THE EAST LINE OF SAID LOT 96; THENCE SOUTHERLY ALONG SAID EAST LINE AND THE EAST LINE OF LOT 97, TO THE SOUTHEAST CORNER OF LOT 97 AND THE POINT OF BEGINNING.

CONTAINING 0.344 ACRES, MORE OR LESS.

**SECTION THREE: CHANGE IN CITY BOUNDARIES/LEGAL EFFECT OF ANNEXATION.** The boundary lines of the City Limits of the City of Daytona Beach Shores are hereby redefined and, upon the effective date of this Ordinance shall also encompass the annexed property as described herein and depicted in Exhibit “A”. Upon this Ordinance becoming effective, the property owner of the annexed property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City and the provisions of said Chapter 171, *Florida Statutes*.

**SECTION FOUR: ADMINISTRATIVE IMPLEMENTING ACTIONS.**

(a). Within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Volusia County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Manager, or designees within City management staff, shall ensure that the property annexed by this Ordinance is incorporated into the City of Daytona Beach Shores *Comprehensive Plan* and the *Official Zoning Map* of the City of Daytona Beach

Shores in an expeditious manner and, in accordance with, and pursuant to, the provisions of Under the authority of Section 166.031(3), *Florida Statutes*, the City Manager, or designees, shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

**SECTION FIVE: CONFLICTS.** Any and all ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION SIX: SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION SEVEN: NON-CODIFICATION.** This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores*, or the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted on the pertinent maps of the City of Daytona Beach Shores by the City Manager, or designee.

**SECTION EIGHT: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and adoption.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

\_\_\_\_\_  
**NANCY MILLER, MAYOR**

\_\_\_\_\_  
**KURT SWARTZLANDER, CITY MANAGER**    **CHERI SCHWAB, CITY CLERK**

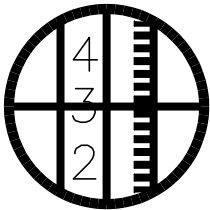
**Approved as to form and legality:**

\_\_\_\_\_  
**JOHN CARY, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.





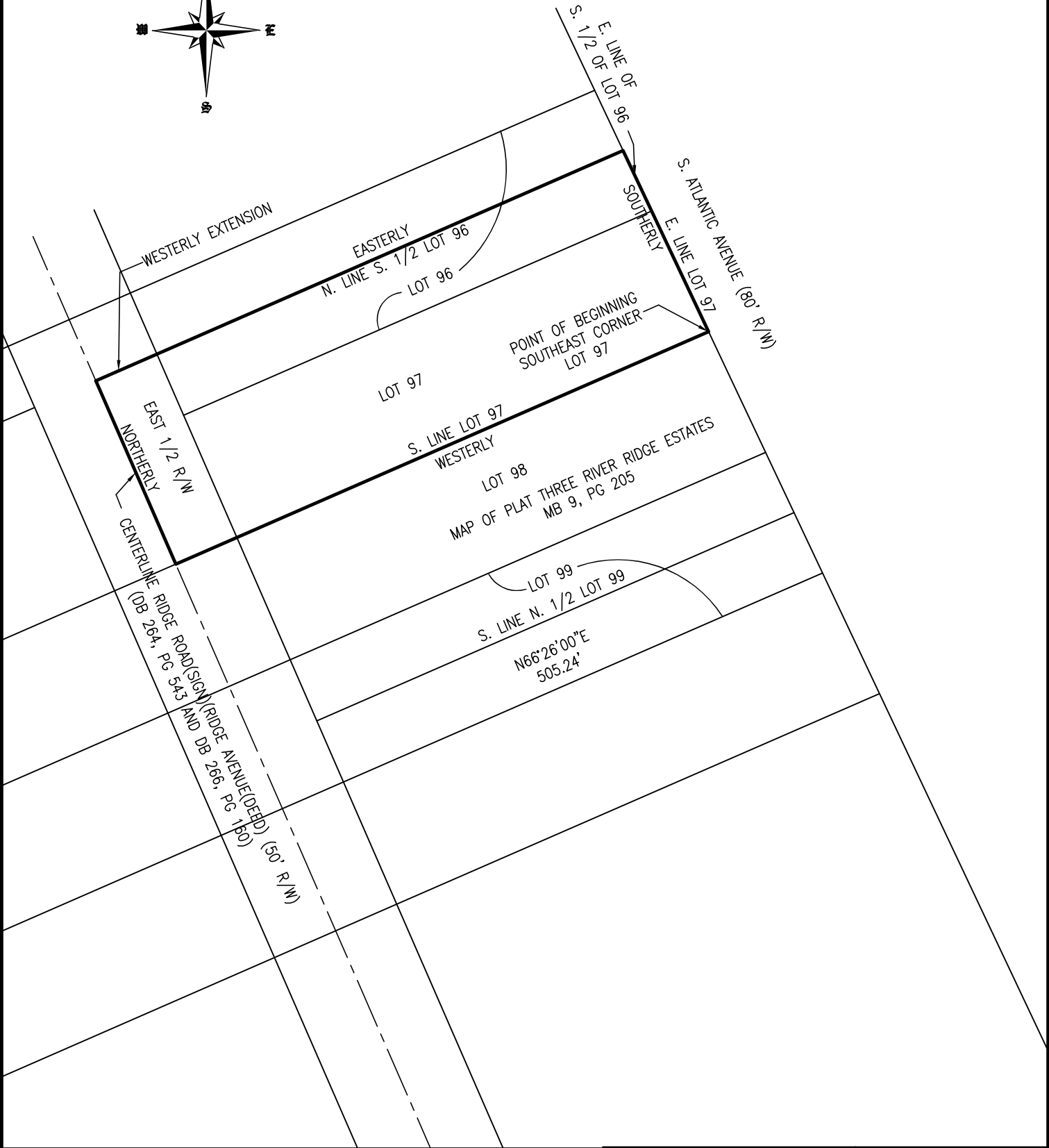
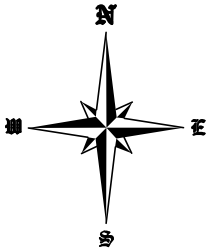
SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL. 32127  
(386) 761-5385

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www.sligerassociates.com



SKETCH OF DESCRIPTION  
NOT A BOUNDARY SURVEY

FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA

DESCRIPTION:  
ANNEXATION DESCRIPTION. SEE  
SHEET 2 FOR LEGAL DESCRIPTION

JOB #22-1152 2820 S. ATLANTIC AVENUE

SCALE: 1"=50'

FIELD BOOK:

PAGE:

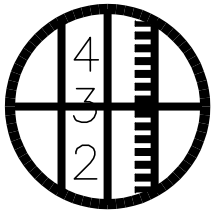
ABBREVIATIONS

|               |                                         |
|---------------|-----------------------------------------|
| (P)           | PLATTED DIMENSION                       |
| (D)           | DEEDED DIMENSION                        |
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| (C)           | CALCULATED DIMENSION                    |
| ID            | IDENTIFICATION                          |
| A/C           | AIR CONDITIONER                         |
| R/W           | RIGHT OF WAY                            |
| CL            | CENTERLINE                              |
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SHEET 1 OF 2

LEGEND

|      |                              |
|------|------------------------------|
| ●    | IRON ROD WITH CAP            |
| ○    | IRON PIPE                    |
| □    | CONCRETE MONUMENT            |
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| ○    | EXISTING ELEVATION           |
| □    | PROPOSED ELEVATION           |



SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL. 32127  
(386) 761-5385

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SURVEYORS NOTES

- 1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/ SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
- 2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- 3. BEARING STRUCTURE ASSUMED NORTH WITH THE BEARING ON THE NORTHERLY LINE OF LOT 26, CARTER-NORWOOD REPLAT BEING N64°09'00"E.
- 4. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR VALID DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- 5. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.
- 6. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC. 12/27/2021.

DESCRIPTION

LOT 97 LYING EASTERLY OF RIDGE AVENUE, AND THE SOUTH 1/2 OF LOT 96 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), NORTH OF THE SOUTH LINE OF LOT 97 AND SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF LOT 96, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 97; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 97 TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE, TO THE THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 96; THENCE EASTERLY ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 96, TO THE EAST LINE OF SAID LOT 96; THENCE SOUTHERLY ALONG SAID EAST LINE AND THE EAST LINE OF LOT 97, TO THE SOUTHEAST CORNER OF LOT 97 AND THE POINT OF BEGINNING.

CONTAINING 0.344 ACRES, MORE OR LESS.

REFERENCE: 2820 S. ATLANTIC AVENUE

THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND\OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

| TYPE OF SURVEY        | CERTIFIED TO                          | SURVEY DATE | JOB NUMBER |
|-----------------------|---------------------------------------|-------------|------------|
| SKETCH OF DESCRIPTION | CITY OF DAYTONA BEACH SHORES, FLORIDA | 09/02/2022  | 22-1152    |
|                       |                                       |             |            |
|                       |                                       |             |            |

SHEET 2 OF 2

|                                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
|--------------------------------------------|------------|---------|------|------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA |            |         |      |      |            | I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. |
|                                            | DATE       | JOB NO. | P.C. | DRW. | CHECKED BY |                                                                                                                                                                                                                                       |
| SKETCH OF DESCRIPTION                      | 09/02/2022 | 22-1152 |      | JM   | JZ         |                                                                                                                                                                                                                                       |
| BOUNDARY SURVEY                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| TOPOGRAPHIC SURVEY                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FOUNDATION LOCATED                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FINAL IMPROVEMENTS                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| RECERTIFICATION                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| PROPOSED HOUSE LOCATION                    |            |         |      |      |            | J.E. ZAPERT, P.L.S. NO. 4046                                                                                                                                                                                                          |
|                                            |            |         |      |      |            |                                                                                                                                                                                                                                       |

**EXHIBIT 1: Location Map of Annexing Property (2820 S Atlantic Avenue)**



**Source:** Volusia County Property Appraiser Website, 2022

## **EXHIBIT 2**

**A:** Annexation Application for 2820 S Atlantic Avenue

## EXHIBIT 2

### B: Property Appraiser Website Owner Information for 2820 S Atlantic Avenue



**Volusia County Property Appraiser**  
123 W. Indiana Ave., Rm. 102  
DeLand, FL 32720  
Phone: (386) 736-5901 Web: vcpa.vcgov.org

#### Property Summary

|                                    |                                                                                                                                                          |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Alternate Key:</b>              | 3426479                                                                                                                                                  |
| <b>Parcel ID:</b>                  | 532705000971                                                                                                                                             |
| <b>Township-Range-Section:</b>     | 15 - 33 - 27                                                                                                                                             |
| <b>Subdivision-Block-Lot:</b>      | 05 - 00 - 0971                                                                                                                                           |
| <b>Business Name:</b>              |                                                                                                                                                          |
| <b>Owner(s):</b>                   | JENKINS BELINDA B - FS - Fee Simple - 100%                                                                                                               |
| <b>Mailing Address On File:</b>    | 2820 S ATLANTIC AVE<br>DAYTONA BEACH FL 32118                                                                                                            |
| <b>Physical Address:</b>           | 2820 S ATLANTIC AVE, DAYTONA BEACH 32118                                                                                                                 |
| <b>Building Count:</b>             | 1                                                                                                                                                        |
| <b>Neighborhood:</b>               | 3103 - SOUTH ATLANTIC AVE                                                                                                                                |
| <b>Subdivision Name:</b>           | RIVER RIDGE ESTATES LOTS 1-13                                                                                                                            |
| <b>Property Use:</b>               | 0100 - SINGLE FAMILY                                                                                                                                     |
| <b>Tax District:</b>               | 200-UNINCORPORATED - NORTHEAST                                                                                                                           |
| <b>2022 Proposed Millage Rate:</b> | 18.2602                                                                                                                                                  |
| <b>Homestead Property:</b>         | Yes                                                                                                                                                      |
| <b>Agriculture Classification:</b> | No                                                                                                                                                       |
| <b>Short Description:</b>          | S 1/2 OF LOT 96 & LOT 97 E OF NEW CR RIVER RIDGE ESTS MB 9 P<br>G 205 PER OR 4345 PG 3830 PER OR 6409 PG 3568 PER OR 7971 PG<br>3554 PER OR 8237 PG 4638 |

#### Property Values

| <b>Tax Year:</b>          | 2022 Working  | 2021 Final    | 2020 Final    |
|---------------------------|---------------|---------------|---------------|
| <b>Valuation</b>          | 1-Market      | 1-Market      | 1-Market      |
| <b>Method:</b>            | Oriented Cost | Oriented Cost | Oriented Cost |
| <b>Improvement</b>        | \$139,393     | \$146,191     | \$148,229     |
| <b>Value:</b>             | \$185,625     | \$78,750      | \$78,750      |
| <b>Land Value:</b>        | \$325,018     | \$224,941     | \$225,979     |
| <b>Just/Market Value:</b> |               |               |               |

#### Working Tax Roll Values by Taxing Authority

### EXHIBIT 3

#### A: Aerial View of Annexing Property (2820 S Atlantic Avenue)



Source: Volusia County Property Appraiser Website, 2022

#### B: Street View of Annexing Property (2820 S Atlantic Avenue)



Source: GoogleMaps, 2022

**EXHIBT 4**  
**PRE-ANNEXATION FORM**

Name of Property Owner: Belinda Jenkins

Property Address/Tax Parcel ID: 2820 S Atlantic Avenue / 5327-05-00-0971

Lot Size: 75' x 186' = 13,sf (0.34 acres)

According to Volusia County property records, does this property appear to meet Section 171.044 of Florida Statutes? Yes X No       

How is property contiguous? East X West        North        South       

Property Appraiser Just/Market Value: \$325,018

Homesteaded Property: Yes X No       

Special Flood Hazard Area? Yes        No X

Improved Lot X Unimproved Lot (Vacant)       

Existing Use: Single-family Residential

Conforming Land Use: X Non-Conforming Land Use:        Explain:

Existing County Zoning: R-4 Urban Single-Family Residential District

Existing County Land Use: Urban Low Intensity

Condition of Property: Poor        Good X Excellent       

Water: Port Orange X Daytona Beach       

Sanitary: Sewer        Septic Tank X

If septic tank on site, is sewer available?        Yes        No X

Metes and Bounds Survey conducted? Yes X No       

Prepared by: Noel Eaton, City Planner Date: September 12, 2022

**EXHIBIT 5:** Voluntary Annexation Criteria pursuant to Section 171.044, *Florida Statutes*

| Section    | Annexation Criteria                                                                     | Criteria Met | Comments                                                                                                                                                                                                                                   |
|------------|-----------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 171.044(1) | Property must be contiguous to the City.                                                | Yes          | Per Sec. 171.031(11), subject property is contiguous to the City to the east.                                                                                                                                                              |
| 171.044(1) | Property must be reasonably compact.                                                    | Yes          | Per Sec. 171.031(12), subject property is reasonably compact and will not create new enclaves, pockets or finger areas in serpentine patterns. In addition, the annexation will aid in reducing the larger county enclave in the vicinity. |
| 171.044(2) | Petition bears the signatures of all owners of property.                                | Yes          | See <b>Exhibit 2</b> .                                                                                                                                                                                                                     |
| 171.044(2) | Meet publication requirements.                                                          | Yes          | Evidence filed with the Office of the City Clerk.                                                                                                                                                                                          |
| 171.044(3) | Ordinance shall be filed per statute.                                                   | Pending      | Ordinance filing will occur per statutory deadline subsequent to the Ordinance's adoption.                                                                                                                                                 |
| 171.044(3) | Ordinance shall include a map and legal description by metes and bounds.                | Yes          | See Ordinance 2022-17.                                                                                                                                                                                                                     |
| 171.044(4) | Annexation method shall be supplemental to any other procedure provided by general law. | N/A          |                                                                                                                                                                                                                                            |
| 171.044(5) | Annexation shall not create enclaves.                                                   | Yes          | Per Sec. 171.031(13), subject property does not create an enclave. In fact the annexation will reduce the larger County enclave that currently exists in this area.                                                                        |
| 171.044(6) | Provision of notice to County Commissioners per statute.                                | Yes          | Notice provided via certified mail per statutory requirement.                                                                                                                                                                              |



## **CITY COUNCIL AGENDA MEMORANDUM OCTOBER 11, 2022 AGENDA**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Noel Eaton, Planner

**PREPARED BY:** Noel Eaton, Planner

**SUBJECT:** Ordinance 2022-18: Voluntary Annexation - 3615 Cardinal Boulevard

### **SYNOPSIS:**

Theresa Durkin, owner of the unincorporated Volusia County single-family residential property located at 3615 Cardinal Boulevard (Exhibit 1), has petitioned the City of Daytona Beach Shores for voluntary annexation into the City's corporate limits (Exhibit 2) pursuant to Section 171.044, *Florida Statutes*. The owner purchased the property in February of 2017. If adopted, Ordinance 2022-18 will annex the subject property and adjacent right-of-way into the City limits of Daytona Beach Shores.

### **FISCAL IMPACT STATEMENT:**

### **BACKGROUND:**

The subject property is approximately 0.15 of an acre with dimensions of 50' x100'. The property contains a 1,278 square foot single-story single-family residential structure (Exhibit 3). Pursuant to Section 171.062, *Florida Statutes*, the owner has also submitted applications to amend the future land use and zoning classifications of the property in question to those of the City. The future land use amendment and rezoning ordinances will be adopted subsequent to the formal annexation of the subject property.

Exhibit 4 attached provides a general description of the subject property, while Exhibit 5 demonstrates compliance with the voluntary annexation requirements prescribed in Section 171.044, *Florida Statutes*.

### **LEGAL REVIEW:**

Approved as to form and legality.

### **RECOMMENDATION:**

Staff recommends approval of Ordinance 2022-18 as presented.

**SUGGESTED MOTION:**

A City Council Member may motion as follows:

"I move to approve Ordinance 2022-18 as presented."

- ATTACHMENT:**
1. Ord 2022-18-Voluntary Annexation-3615 Cardinal Boulevard
  2. Ordinance 2022-18 Exhibit- Survey
  3. Staff Report & Exhibits-3615 Cardinal Blvd

**ORDINANCE NO. 2022-18**

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RELATING TO VOLUNTARY ANNEXATION OF REAL PROPERTY LOCATED AT 3615 CARDINAL BOULEVARD (SHORT PARCEL IDENTIFICATION NUMBER 6302-05-10-0111) TOGETHER WITH ASSOCIATED RIGHT-OF-WAYS IN ACCORDANCE WITH SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; REDEFINING THE BOUNDARIES OF THE CITY; PROVIDING FOR LEGAL EFFECT AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR NON-CODIFICATION AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Theresa Durkin, property owner, applied for annexation of property into the City of Daytona Beach Shores and is hereby determined to be the fee simple title owner of the real property described below; and

**WHEREAS**, the said applicants petitioned the City of Daytona Beach Shores, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Daytona Beach Shores; and

**WHEREAS**, the subject property is currently addressed 3615 Cardinal Boulevard; and

**WHEREAS**, the subject property currently has a Short Tax Parcel Identification Number 6302-05-10-0111; and

**WHEREAS**, the City of Daytona Beach Shores has determined that all of the property which is proposed to be annexed into the City of Daytona Beach Shores is within an unincorporated area of Volusia County, is reasonably compact and contiguous to the corporate areas of the City of Daytona Beach Shores, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

**WHEREAS,** the City Council of the City of Daytona Beach Shores, Florida hereby determines that it is to the advantage of the City of Daytona Beach Shores and in the best interests of the citizens of the City of Daytona Beach Shores to annex the aforescribed property; and

**WHEREAS,** the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

**WHEREAS,** the provisions of Section 171.091, *Florida Statutes*, provide as follows:

*Recording.*—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

; and

**WHEREAS,** the map attached hereto as Exhibit “A” shows, describes, and depicts the property and named associated rights-of-ways which are hereby annexed into the City of Daytona Beach Shores said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:**

**SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.**

(a). The City Council of the City of Daytona Beach Shores hereby finds that the recitations set forth are true and correct and that the requirements of Section 171.044, *Florida Statutes*, as well as all other requirements of controlling law, have been complied with in every respect.

(b). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, “[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. . . . A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State . . .” This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance.

**SECTION TWO: ANNEXATION INTO THE CITY.** The real property depicted and described by metes and bounds in Exhibit “A” appended hereto, which Exhibit is made part hereof and which property is owned by the petitioning property owners, and further described as set forth below, together with the associated rights-of-way as described below, is hereby annexed into the City Limits of the City of Daytona Beach Shores, said property being described as follows:

THE WEST 100 FEET OF LOT 11, BLOCK 10, TOGETHER WITH THE EASTERLY 1/2 OF CARDINAL BOULEVARD (PLATTED PENINSULA BLVD) LYING BETWEEN THE WESTERLY EXTENSION OF THE NORTH AND SOUTH LINES OF SAID LOT 11, ALL IN MAP OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE N60°52'43"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 11; THENCE S28°28'17"E ALONG SAID EAST LINE, 50.00 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE S60°52'43"W ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION THEREOF, 135.00 FEET TO THE CENTERLINE OF SAID CARDINAL BOULEVARD; THENCE N28°28'17"W ALONG SAID CENTERLINE, 50.00 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE ALONG SAID WESTERLY EXTENSION N60°52'43"E, 35.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.155 ACRES, MORE OR LESS.

**SECTION THREE: CHANGE IN CITY BOUNDARIES/LEGAL EFFECT OF ANNEXATION.** The boundary lines of the City Limits of the City of Daytona Beach Shores are hereby redefined and, upon the effective date of this Ordinance shall also encompass the annexed property as described herein and depicted in Exhibit “A”. Upon this Ordinance becoming effective, the property owner of the annexed property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City and the provisions of said Chapter 171, *Florida Statutes*.

**SECTION FOUR: ADMINISTRATIVE IMPLEMENTING ACTIONS.**

- (a). Within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Volusia County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.
- (b). The City Manager, or designees within City management staff, shall ensure that the property annexed by this Ordinance is incorporated into the City of Daytona Beach

Shores *Comprehensive Plan* and the *Official Zoning Map* of the City of Daytona Beach Shores in an expeditious manner and, in accordance with, and pursuant to, the provisions of Under the authority of Section 166.031(3), *Florida Statutes*, the City Manager, or designees, shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

**SECTION FIVE: CONFLICTS.** Any and all ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION SIX: SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION SEVEN: NON-CODIFICATION.** This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores*, or the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted on the pertinent maps of the City of Daytona Beach Shores by the City Manager, or designee.

**SECTION EIGHT: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and adoption.

## **CITY OF DAYTONA BEACH SHORES, FLORIDA**

\_\_\_\_\_  
**NANCY MILLER, MAYOR**

\_\_\_\_\_  
**KURT SWARTZLANDER, CITY MANAGER**    **CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

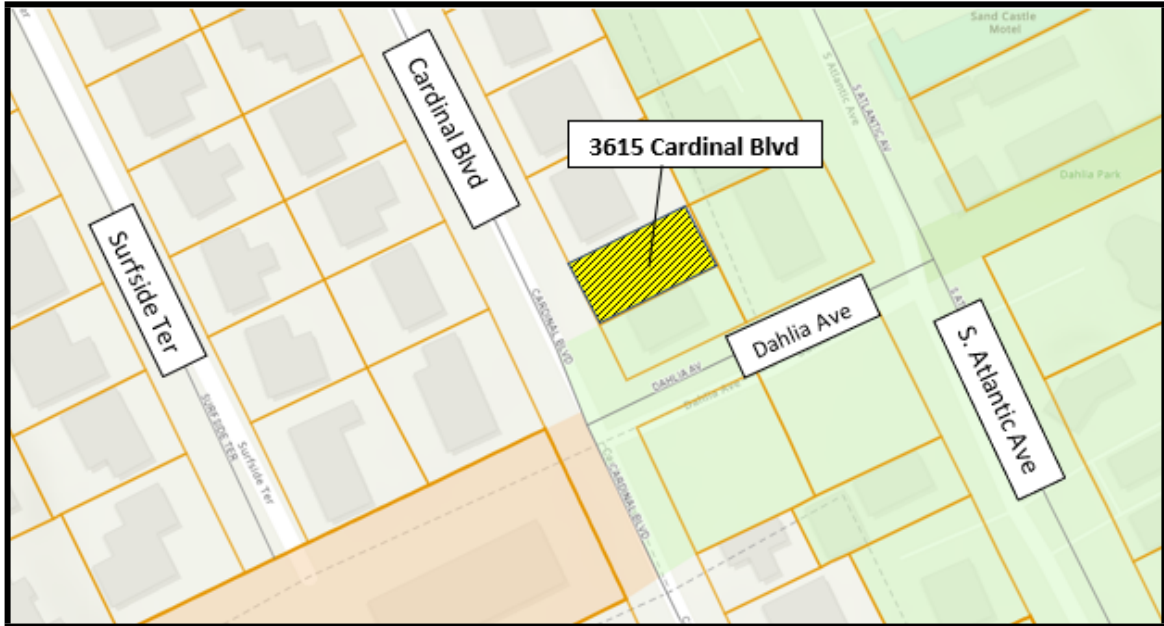
\_\_\_\_\_  
**JOHN CARY, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

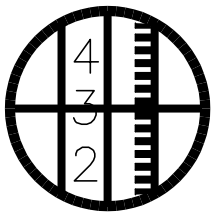
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

## EXHIBIT A

### (1) Location Map of Annexing Property (3615 Cardinal Blvd.)



### (2) Metes and Bounds Description/Sketch (Attached)



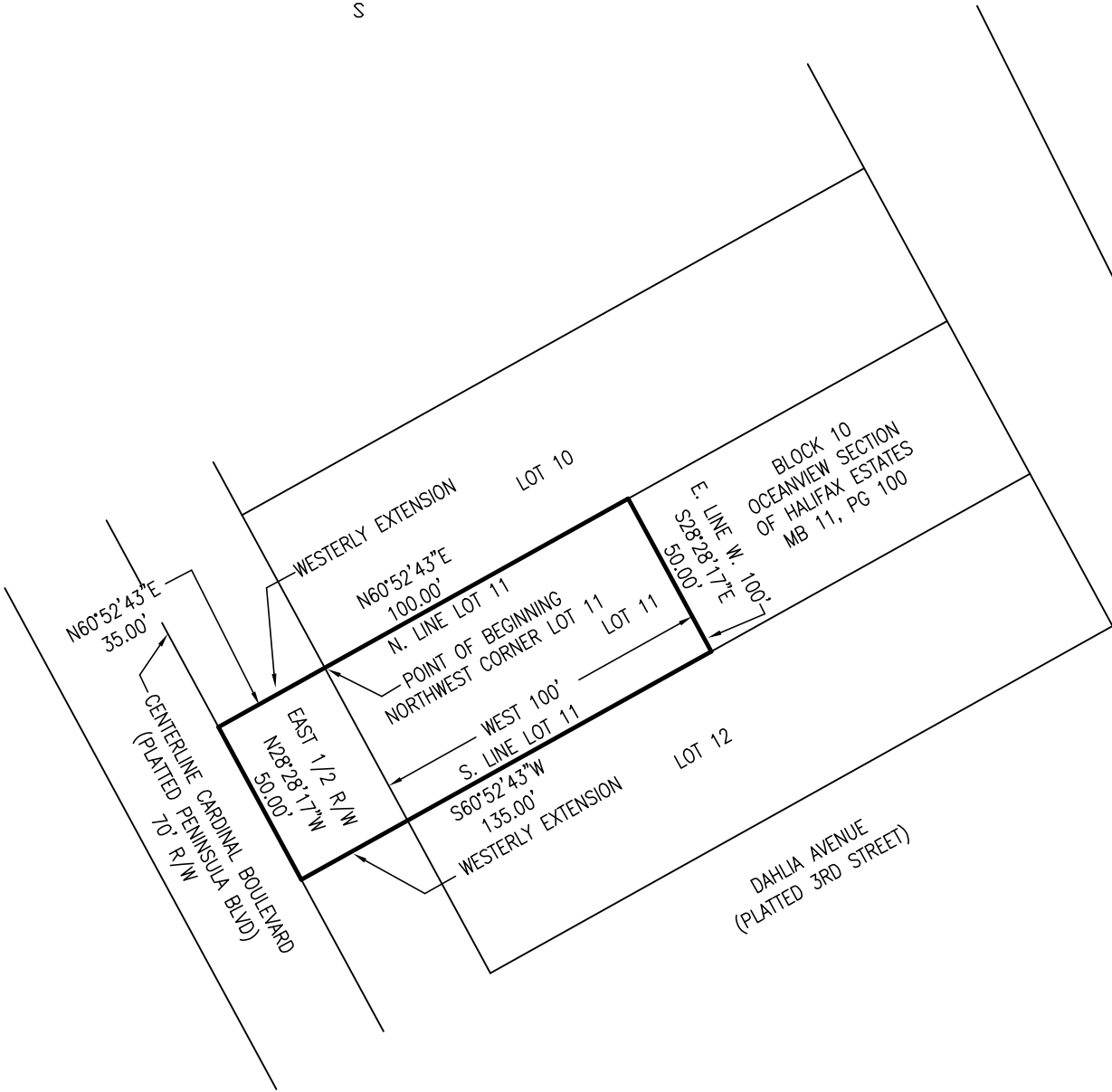
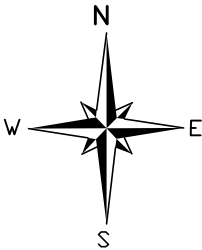
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SKETCH OF DESCRIPTION  
NOT A BOUNDARY SURVEY

FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA

DESCRIPTION:  
ANNEXATION DESCRIPTION. SEE  
SHEET 2 FOR LEGAL DESCRIPTION

JOB #22-1152 3615 CARDINAL DRIVE

SCALE: 1"=50'

FIELD BOOK:

PAGE:

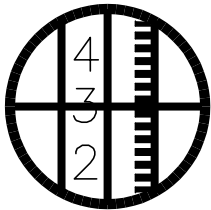
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SHEET 1 OF 2

LEGEND

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1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/ SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
3. BEARING STRUCTURE ASSUMED NORTH WITH THE BEARING ON THE NORTHERLY LINE OF LOT 11, BLOCK 10, OCEAN VIEW SECTION OF HALIFAX ESTATES BEING N60°52'43"E.
4. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR VALID DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
5. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.
6. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC. 12/27/2021.

DESCRIPTION

THE WEST 100 FEET OF LOT 11, BLOCK 10, TOGETHER WITH THE EASTERLY 1/2 OF CARDINAL BOULEVARD (PLATTED PENINSULA BLVD) LYING BETWEEN THE WESTERLY EXTENSION OF THE NORTH AND SOUTH LINES OF SAID LOT 11, ALL IN MAP OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE N60°52'43"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 11; THENCE S28°28'17"E ALONG SAID EAST LINE, 50.00 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE S60°52'43"W ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION THEREOF, 135.00 FEET TO THE CENTERLINE OF SAID CARDINAL BOULEVARD; THENCE N28°28'17"W ALONG SAID CENTERLINE, 50.00 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE ALONG SAID WESTERLY EXTENSION N60°52'43"E, 35.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.155 ACRES, MORE OR LESS.

REFERENCE: 3615 CARDINAL BOULEVARD

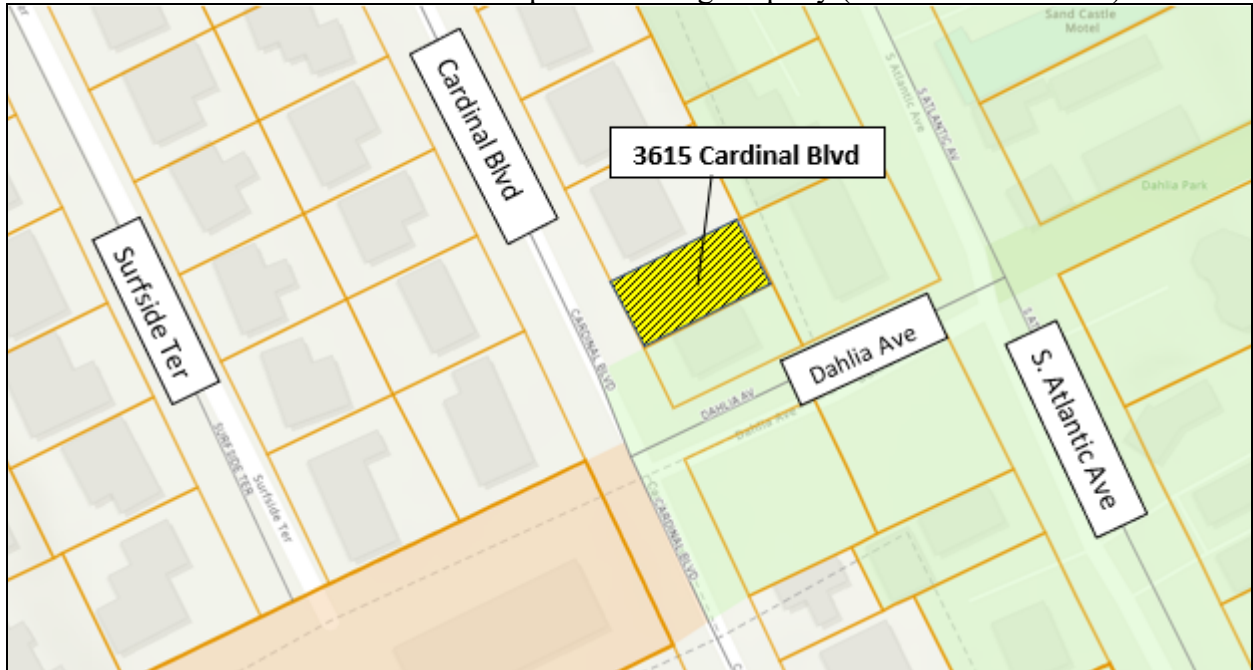
THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND\OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

| TYPE OF SURVEY        | CERTIFIED TO                          | SURVEY DATE | JOB NUMBER |
|-----------------------|---------------------------------------|-------------|------------|
| SKETCH OF DESCRIPTION | CITY OF DAYTONA BEACH SHORES, FLORIDA | 08/25/2022  | 22-1152    |
|                       |                                       |             |            |
|                       |                                       |             |            |

SHEET 2 OF 2

|                                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
|--------------------------------------------|------------|---------|------|------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA |            |         |      |      |            | I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. |
|                                            | DATE       | JOB NO. | P.C. | DRW. | CHECKED BY |                                                                                                                                                                                                                                       |
| SKETCH OF DESCRIPTION                      | 08/25/2022 | 22-1152 |      | JZ   | DH         |                                                                                                                                                                                                                                       |
| BOUNDARY SURVEY                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| TOPOGRAPHIC SURVEY                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FOUNDATION LOCATED                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FINAL IMPROVEMENTS                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| RECERTIFICATION                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| PROPOSED HOUSE LOCATION                    |            |         |      |      |            | J.E. ZAPERT, P.L.S. NO. 4046                                                                                                                                                                                                          |
|                                            |            |         |      |      |            |                                                                                                                                                                                                                                       |

**EXHIBIT 1: Location Map of Annexing Property (3615 Cardinal Blvd.)**



**Source:** Volusia County Property Appraiser Website, 2022

**EXHIBIT 2**  
**A: Annexation Application**



**City of Daytona Beach Shores**  
Building & Codes Division  
2990 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118  
Telephone (386) 763-5377 Fax (386) 763-5370

**REQUEST FOR ANNEXATION**

5/10/22  
(Date)

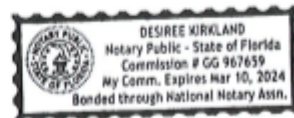
I (We) the undersigned am the sole property owner(s) of 3615 Cardinal Blvd, Volusia  
County, Florida. (Street Address)

By this letter, I (We) am requesting annexation into the City of Daytona Beach Shores, Florida.  
It is my (our) understanding that the fee for legal advertising has been waived by the City and  
that I (we) will not incur any costs for annexation.

|                        |                                      |                        |
|------------------------|--------------------------------------|------------------------|
| Signed,                |                                      |                        |
|                        | <u>Theresa A. Durkin</u>             | <u>(386) 281-7690</u>  |
| Signature              | Name (Printed or typed)              | Telephone              |
| <br>_____<br>Signature | <br>_____<br>Name (Printed or typed) | <br>_____<br>Telephone |
| <br>_____<br>Signature | <br>_____<br>Name (Printed or typed) | <br>_____<br>Telephone |

SWORN to and subscribed before me this 13 day of May, 2022 by  
Theresa A. Durkin, who is personally known to me ☒ or produced  
Identification \_\_\_\_\_. Type of Identification provided \_\_\_\_\_.

Notary Public - State of Florida  
My Commission Expires: 3/10/2024



Please return this form to: Annexation Committee  
c/o Planning Department  
City of Daytona Beach Shores  
2990 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118

## EXHIBIT 2

### B: Property Appraiser Website Owner Information



**Volusia County Property Appraiser**  
 123 W. Indiana Ave., Rm. 102  
 DeLand, FL 32720  
 Phone: (386) 736-5901 Web: vcpa.vcgov.org

#### Property Summary

|                                    |                                                                                                                                                                                       |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Alternate Key:</b>              | 3569156                                                                                                                                                                               |
| <b>Parcel ID:</b>                  | 630205100111                                                                                                                                                                          |
| <b>Township-Range-Section:</b>     | 16 - 33 - 02                                                                                                                                                                          |
| <b>Subdivision-Block-Lot:</b>      | 05 - 10 - 0111                                                                                                                                                                        |
| <b>Business Name:</b>              |                                                                                                                                                                                       |
| <b>Owner(s):</b>                   | DURKIN THERESA A - FS - Fee Simple - 100%                                                                                                                                             |
| <b>Mailing Address On File:</b>    | 7902 SAILBOAT KEY BLVD S APT 503<br>SOUTH PASADENA FL 33707 6374                                                                                                                      |
| <b>Physical Address:</b>           | 3615 CARDINAL BLVD, DAYTONA BEACH 32118                                                                                                                                               |
| <b>Building Count:</b>             | 1                                                                                                                                                                                     |
| <b>Neighborhood:</b>               | 3109 - HALIFAX ESTATES (6302-01)----                                                                                                                                                  |
| <b>Subdivision Name:</b>           |                                                                                                                                                                                       |
| <b>Property Use:</b>               | 0100 - SINGLE FAMILY                                                                                                                                                                  |
| <b>Tax District:</b>               | 200-UNINCORPORATED - NORTHEAST                                                                                                                                                        |
| <b>2022 Proposed Millage Rate:</b> | 18.2602                                                                                                                                                                               |
| <b>Homestead Property:</b>         | No                                                                                                                                                                                    |
| <b>Agriculture Classification:</b> | No                                                                                                                                                                                    |
| <b>Short Description:</b>          | W 100 FT OF LOT 11 BLK 10 OCEAN VIEW SECTION OF HALIFAX ESTATES MB 11 PG 100 PER OR 2106 PG 1467 PER OR 6024 PGS 1257-12 58 PER OR 6024 PG 1259 PER OR 6532 PG 0238 PER OR 6719 PG 27 |

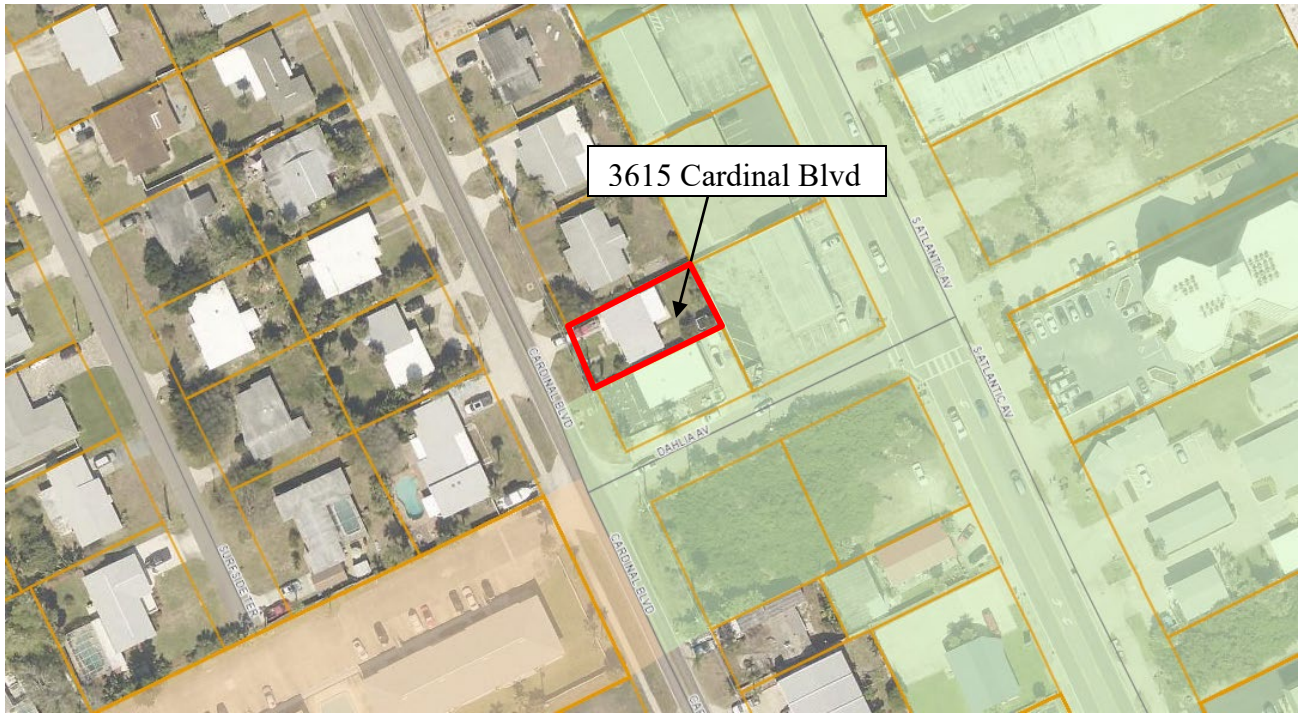
#### Property Values

| <b>Tax Year:</b>          | 2022 Working  | 2021 Final    | 2020 Final    |
|---------------------------|---------------|---------------|---------------|
| <b>Valuation</b>          | 1-Market      | 1-Market      | 1-Market      |
| <b>Method:</b>            | Oriented Cost | Oriented Cost | Oriented Cost |
| <b>Improvement</b>        | \$98,366      | \$85,536      | \$78,564      |
| <b>Value:</b>             | \$78,750      | \$64,250      | \$65,500      |
| <b>Land Value:</b>        | \$177,116     | \$149,786     | \$144,064     |
| <b>Just/Market Value:</b> |               |               |               |

#### Working Tax Roll Values by Taxing Authority

### EXHIBIT 3

#### A: Aerial View of Annexing Property (3615 Cardinal Blvd.)



Source: Volusia County Property Appraiser Website, 2022

#### B: Street View of Annexing Property (3615 Cardinal Blvd.)



Source: GoogleMaps, 2018

**EXHIBT 4  
PRE-ANNEXATION FORM**

Name of Property Owner: Theresa Durkin

Property Address/Tax Parcel ID: 3615 Cardinal Blvd / 6302-05-10-0111

Lot Size: 50' x 100' = 5,000sf (0.15 acres)

According to Volusia County property records, does this property appear to meet Section 171.044 of Florida Statutes? Yes X No         

How is property contiguous? East X West          North          South X

Property Appraiser Just/Market Value: \$177,116

Homesteaded Property: Yes          No X

Special Flood Hazard Area? Yes          No X

Improved Lot X Unimproved Lot (Vacant)         

Existing Use: Single-family Residential

Conforming Land Use: X Non-Conforming Land Use:          Explain:

Existing County Zoning: R-6 Two-Family Residential District

Existing County Land Use: Urban Low Intensity

Condition of Property: Poor          Good X Excellent         

Water: Port Orange X Daytona Beach         

Sanitary: Sewer X (Port Orange) Septic Tank         

If septic tank on site, is sewer available?          Yes          No         

Metes and Bounds Survey conducted? Yes X No         

Prepared by: Noel Eaton, City Planner Date: September 12, 2022

**EXHIBIT 5:** Voluntary Annexation Criteria pursuant to Section 171.044, *Florida Statutes*

| Section    | Annexation Criteria                                                                     | Criteria Met | Comments                                                                                                                                                                                                                                   |
|------------|-----------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 171.044(1) | Property must be contiguous to the City.                                                | Yes          | Per Sec. 171.031(11), subject property is contiguous to the City to the south and east.                                                                                                                                                    |
| 171.044(1) | Property must be reasonably compact.                                                    | Yes          | Per Sec. 171.031(12), subject property is reasonably compact and will not create new enclaves, pockets or finger areas in serpentine patterns. In addition, the annexation will aid in reducing the larger county enclave in the vicinity. |
| 171.044(2) | Petition bears the signatures of all owners of property.                                | Yes          | See <b>Exhibit 2</b> .                                                                                                                                                                                                                     |
| 171.044(2) | Meet publication requirements.                                                          | Yes          | Evidence filed with the Office of the City Clerk.                                                                                                                                                                                          |
| 171.044(3) | Ordinance shall be filed per statute.                                                   | Pending      | Ordinance filing will occur per statutory deadline subsequent to the Ordinance's adoption.                                                                                                                                                 |
| 171.044(3) | Ordinance shall include a map and legal description by metes and bounds.                | Yes          | See Ordinance 2022-18.                                                                                                                                                                                                                     |
| 171.044(4) | Annexation method shall be supplemental to any other procedure provided by general law. | N/A          |                                                                                                                                                                                                                                            |
| 171.044(5) | Annexation shall not create enclaves.                                                   | Yes          | Per Sec. 171.031(13), subject property does not create an enclave. In fact the annexation will reduce the larger County enclave that currently exists in this area.                                                                        |
| 171.044(6) | Provision of notice to County Commissioners per statute.                                | Yes          | Notice provided via certified mail per statutory requirement.                                                                                                                                                                              |



## **CITY COUNCIL AGENDA MEMORANDUM OCTOBER 11, 2022 AGENDA**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Noel Eaton, Planner

**PREPARED BY:** Noel Eaton, Planner

**SUBJECT:** Ordinance 2022-19: Voluntary Annexation - 105 Broad Avenue

### **SYNOPSIS:**

James Tully, owner of the unincorporated Volusia County single-family residential property located at 105 Broad Avenue (Exhibit 1), has petitioned the City of Daytona Beach Shores for voluntary annexation into the City's corporate limits (Exhibit 2) pursuant to Section 171.044, *Florida Statutes*. The owner purchased the property in May of 2002. If adopted, Ordinance 2022-19 will annex the subject property and adjacent right-of-way into the City limits of Daytona Beach Shores.

### **FISCAL IMPACT STATEMENT:**

### **BACKGROUND:**

The subject property is approximately 0.27 of an acre with dimensions of 60' x150'. The property contains a 2,748 square foot single-story single-family residential structure (Exhibit 3). Pursuant to Section 171.062, *Florida Statutes*, the owner has also submitted applications to amend the future land use and zoning classifications of the property in question to those of the City. The future land use amendment and rezoning ordinances will be adopted subsequent to the formal annexation of the subject property.

Exhibit 4 attached provides a general description of the subject property, while Exhibit 5 demonstrates compliance with the voluntary annexation requirements prescribed in Section 171.044, *Florida Statutes*.

### **LEGAL REVIEW:**

Approved as to form and legality.

### **RECOMMENDATION:**

Staff recommends approval of Ordinance 2022-19 as presented.

**SUGGESTED MOTION:**

A City Council Member may motion as follows:

"I move to approve Ordinance 2022-03 as presented."

- ATTACHMENT:**
1. Ord 2022-19-Voluntary Annexation-105 Broad Ave
  2. Ordinance 2022-19 Exhibit- Survey
  3. Staff Report & Exhibits-105 Broad Avenue

**ORDINANCE NO. 2022-19**

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RELATING TO VOLUNTARY ANNEXATION OF REAL PROPERTY LOCATED AT 105 BROAD AVENUE (SHORT PARCEL IDENTIFICATION NUMBER 5335-05-00-0260) TOGETHER WITH ASSOCIATED RIGHT-OF-WAYS IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; REDEFINING THE BOUNDARIES OF THE CITY; PROVIDING FOR LEGAL EFFECT AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR NON-CODIFICATION AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, James Tully, property owner, applied for annexation of property into the City of Daytona Beach Shores and is hereby determined to be the fee simple title owner of the real property described below; and

**WHEREAS**, the said applicants petitioned the City of Daytona Beach Shores, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Daytona Beach Shores; and

**WHEREAS**, the subject property is currently addressed 105 Broad Avenue; and

**WHEREAS**, the subject property currently has a Short Tax Parcel Identification Number 5335-05-00-0260); and

**WHEREAS**, the City of Daytona Beach Shores has determined that all of the property which is proposed to be annexed into the City of Daytona Beach Shores is within an unincorporated area of Volusia County, is reasonably compact and contiguous to the corporate areas of the City of Daytona Beach Shores, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores, Florida

hereby determines that it is to the advantage of the City of Daytona Beach Shores and in the best interests of the citizens of the City of Daytona Beach Shores to annex the aforescribed property; and

**WHEREAS**, the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

**WHEREAS**, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

*Recording.*—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

; and

**WHEREAS**, the map attached hereto as Exhibit “A” shows, describes, and depicts the property and named associated rights-of-ways which are hereby annexed into the City of Daytona Beach Shores said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:**

**SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.**

(a). The City Council of the City of Daytona Beach Shores hereby finds that the recitations set forth are true and correct and that the requirements of Section 171.044, *Florida Statutes*, as well as all other requirements of controlling law, have been complied with in every respect.

(b). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, “[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. . . . A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State . . .” This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance.

**SECTION TWO: ANNEXATION INTO THE CITY.** The real property depicted and described by metes and bounds in Exhibit “A” appended hereto, which Exhibit is made part hereof and which property is owned by the petitioning property owners, and further described as set forth below, together with the associated rights-of-way as described below, is hereby annexed into the City Limits of the City of Daytona Beach Shores, said property being described as follows:

THE EASTERLY 60 FEET OF LOTS 26, 27, AND 28, TOGETHER WITH THE NORTHERLY 1/2 OF BROAD AVENUE (PLATTED THIRD AVENUE) LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 28 AND THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, ALL IN CARTER-NORWOOD REPLAT, AS RECORDED IN MAP BOOK 19, PAGE 16, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 26; THENCE S25°39'00"E ALONG THE EAST LINE OF SAID LOTS 26, 27, AND 28 AND THE SOUTHERLY EXTENSION THEREOF, 200.04 FEET TO THE CENTERLINE OF BROAD AVENUE; THENCE S64°09'00"W ALONG SAID CENTERLINE, 60.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28; THENCE N25°39'00"W ALONG SAID SOUTHERLY EXTENSION AND ALONG THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, A DISTANCE OF 200.04 FEET TO THE NORTH LINE OF SAID LOT 26; THENCE N64°09'00"E ALONG SAID NORTH LINE, 60.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.276 ACRES, MORE OR LESS.

**SECTION THREE: CHANGE IN CITY BOUNDARIES/LEGAL EFFECT OF ANNEXATION.** The boundary lines of the City Limits of the City of Daytona Beach Shores are hereby redefined and, upon the effective date of this Ordinance shall also encompass the annexed property as described herein and depicted in Exhibit “A”. Upon this Ordinance becoming effective, the property owner of the annexed property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City and the provisions of said Chapter 171, *Florida Statutes*.

**SECTION FOUR: ADMINISTRATIVE IMPLEMENTING ACTIONS.**

(a). Within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Volusia County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Manager, or designees within City management staff, shall ensure that the property annexed by this Ordinance is incorporated into the City of Daytona Beach Shores *Comprehensive Plan* and the *Official Zoning Map* of the City of Daytona Beach Shores in an expeditious manner and, in accordance with, and pursuant to, the provisions of Under the authority of Section 166.031(3), *Florida Statutes*, the City Manager, or designees, shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

**SECTION FIVE: CONFLICTS.** Any and all ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION SIX: SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION SEVEN: NON-CODIFICATION.** This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores*, or the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted on the pertinent maps of the City of Daytona Beach Shores by the City Manager, or designee.

**SECTION EIGHT: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and adoption.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

\_\_\_\_\_  
**NANCY MILLER, MAYOR**

\_\_\_\_\_  
**KURT SWARTZLANDER, CITY MANAGER**    **CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

\_\_\_\_\_  
**JOHN CARY, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Ordinance 2022-19

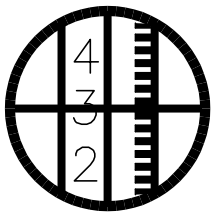
Page No.4

## EXHIBIT A

### (1) Location Map of Annexing Property (105 Broad Avenue)



### (2) Metes and Bounds Description/Sketch (Attached)



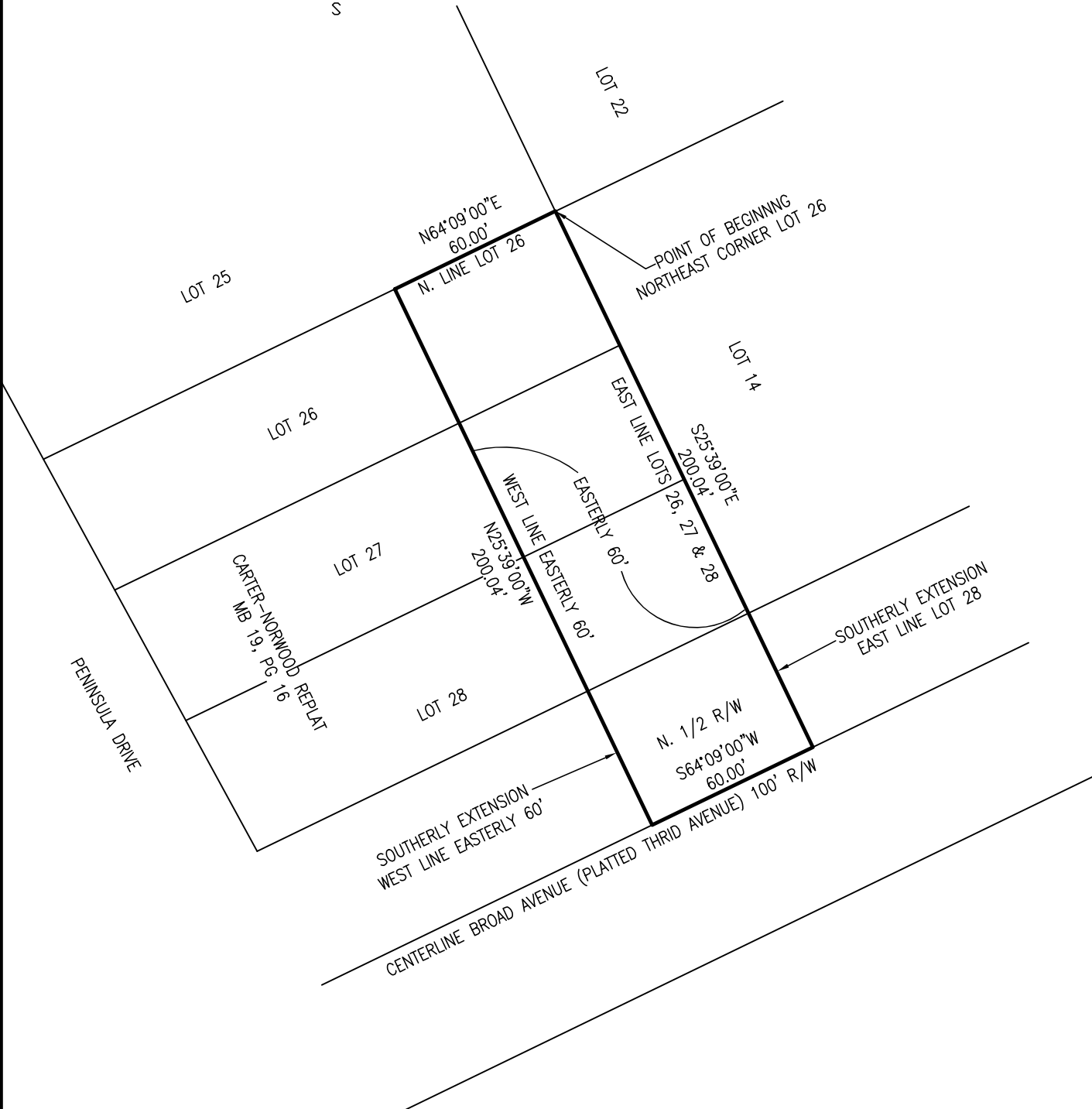
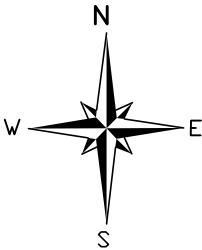
SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL. 32127  
(386) 761-5385

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www.sligerassociates.com



SKETCH OF DESCRIPTION  
NOT A BOUNDARY SURVEY

FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA

DESCRIPTION:  
ANNEXATION DESCRIPTION. SEE  
SHEET 2 FOR LEGAL DESCRIPTION

JOB #22-1152 105 BROAD AVENUE

SCALE: 1"=50'

FIELD BOOK:

PAGE:

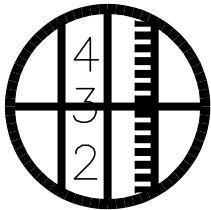
ABBREVIATIONS

|               |                                         |
|---------------|-----------------------------------------|
| (P)           | PLATTED DIMENSION                       |
| (D)           | DEEDED DIMENSION                        |
| (M)           | MEASURED DIMENSION                      |
| (C)           | CALCULATED DIMENSION                    |
| ID            | IDENTIFICATION                          |
| A/C           | AIR CONDITIONER                         |
| R/W           | RIGHT OF WAY                            |
| CL            | CENTERLINE                              |
| D             | CENTRAL ANGLE                           |
| R             | RADIUS                                  |
| L             | ARC LENGTH                              |
| CB            | CHORD BEARING                           |
| FP&L CO.      | FLORIDA POWER & LIGHT COMPANY           |
| N.G.V.D.      | NATIONAL GEODETIC VERTICAL DATUM        |
| U.S.C. & G.S. | UNITED STATES COAST AND GEODETIC SURVEY |

SHEET 1 OF 2

LEGEND

|      |                              |
|------|------------------------------|
| ●    | IRON ROD WITH CAP            |
| ○    | IRON PIPE                    |
| □    | CONCRETE MONUMENT            |
| ■    | PERMANENT REFERENCE MONUMENT |
| △    | PERMANENT CONTROL POINT      |
| (R)  | RADIAL LINE                  |
| (NR) | NON-RADIAL LINE              |
| ○    | EXISTING ELEVATION           |
| □    | PROPOSED ELEVATION           |



# SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

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SURVEYORS NOTES

- 1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/ SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
- 2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- 3. BEARING STRUCTURE ASSUMED NORTH WITH THE BEARING ON THE NORTHERLY LINE OF LOT 26, CARTER-NORWOOD REPLAT BEING N64°09'00"E.
- 4. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR VALID DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- 5. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.
- 6. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC. 12/27/2021.

DESCRIPTION

THE EASTERLY 60 FEET OF LOTS 26, 27, AND 28, TOGETHER WITH THE NORTHERLY 1/2 OF BROAD AVENUE (PLATTED THIRD AVENUE) LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 28 AND THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, ALL IN CARTER-NORWOOD REPLAT, AS RECORDED IN MAP BOOK 19, PAGE 16, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHEAST CORNER OF SAID LOT 26; THENCE S25°39'00"E ALONG THE EAST LINE OF SAID LOTS 26, 27, AND 28 AND THE SOUTHERLY EXTENSION THEREOF, 200.04 FEET TO THE CENTERLINE OF BROAD AVENUE; THENCE S64°09'00"W ALONG SAID CENTERLINE, 60.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28; THENCE N25°39'00"W ALONG SAID SOUTHERLY EXTENSION AND ALONG THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, A DISTANCE OF 200.04 FEET TO THE NORTH LINE OF SAID LOT 26; THENCE N64°09'00"E ALONG SAID NORTH LINE, 60.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.276 ACRES, MORE OR LESS.

REFERENCE: 105 BROAD AVENUE

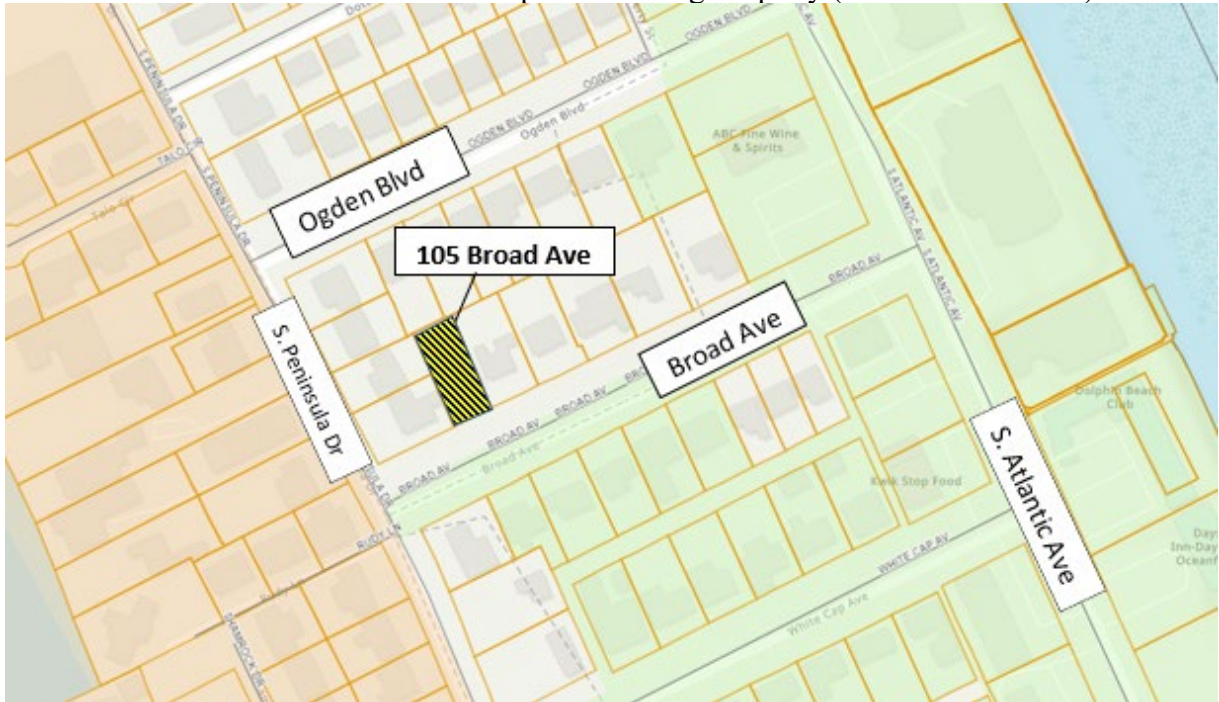
THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND\OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

| TYPE OF SURVEY        | CERTIFIED TO                          | SURVEY DATE | JOB NUMBER |
|-----------------------|---------------------------------------|-------------|------------|
| SKETCH OF DESCRIPTION | CITY OF DAYTONA BEACH SHORES, FLORIDA | 08/25/2022  | 22-1152    |
|                       |                                       |             |            |
|                       |                                       |             |            |

SHEET 2 OF 2

| FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA |            |         |      |      |            | I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. |
|--------------------------------------------|------------|---------|------|------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | DATE       | JOB NO. | P.C. | DRW. | CHECKED BY |                                                                                                                                                                                                                                       |
| SKETCH OF DESCRIPTION                      | 08/25/2022 | 22-1152 |      | JZ   | DH         |                                                                                                                                                                                                                                       |
| BOUNDARY SURVEY                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| TOPOGRAPHIC SURVEY                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FOUNDATION LOCATED                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| FINAL IMPROVEMENTS                         |            |         |      |      |            |                                                                                                                                                                                                                                       |
| RECERTIFICATION                            |            |         |      |      |            |                                                                                                                                                                                                                                       |
| PROPOSED HOUSE LOCATION                    |            |         |      |      |            | J.E. ZAPERT, P.L.S. NO. 4046                                                                                                                                                                                                          |
|                                            |            |         |      |      |            |                                                                                                                                                                                                                                       |

**EXHIBIT 1: Location Map of Annexing Property (105 Broad Avenue)**



**Source:** Volusia County Property Appraiser Website, 2022

## EXHIBIT 2

A: Annexation Application for 105 Broad Avenue



432365  
RECEIVED  
OCT 06 2022  
City of Daytona Beach Shores  
Building & Codes Division  
2990 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118  
Telephone (386) 763-5377 Fax (386) 763-5370

12022047  
REQUEST FOR ANNEXATION

533F-05-00-0260

(Date)

I (We) the undersigned am the sole property owner(s) of 105 Broad Ave, Volusia  
County, Florida, (Street Address)

By this letter, I (We) am requesting annexation into the City of Daytona Beach Shores, Florida.  
It is my (our) understanding that the fee for legal advertising has been waived by the City and  
that I (we) will not incur any costs for annexation.

Signed

[Signature]  
Signature

James Tully  
Name (Printed or typed)

386-846-2368  
Telephone

Signature

Name (Printed or typed)

Telephone

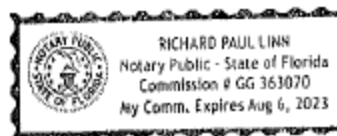
Signature

Name (Printed or typed)

Telephone

SWORN to and subscribed before me this 6<sup>th</sup> day of Oct, 2022 by  
James Tully, who is personally known to me or produced  
Identification \_\_\_\_\_. Type of Identification provided \_\_\_\_\_.

[Signature]  
Notary Public - State of Florida  
My Commission Expires: Aug 6, 2023



Please return this form to: Annexation Committee  
c/o Planning Department  
City of Daytona Beach Shores  
2990 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118

## EXHIBIT 2

### B: Property Appraiser Website Owner Information for 105 Broad Avenue



Volusia County Property Appraiser  
 123 W. Indiana Ave., Rm. 102  
 DeLand, FL 32720  
 Phone: (386) 736-5901 Web: vcpa.vcgov.org

#### Property Summary

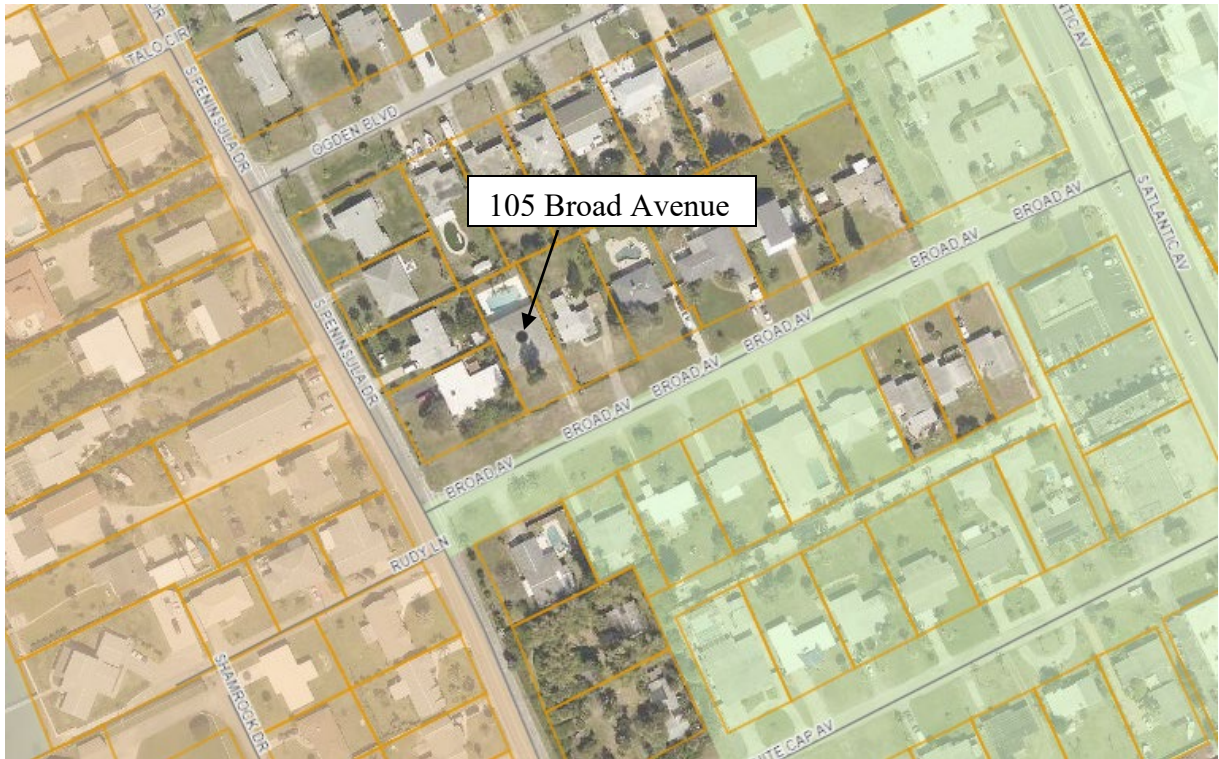
|                             |                                                                                                        |
|-----------------------------|--------------------------------------------------------------------------------------------------------|
| Alternate Key:              | 3464818                                                                                                |
| Parcel ID:                  | 533505000260                                                                                           |
| Township-Range-Section:     | 15 - 33 - 35                                                                                           |
| Subdivision-Block-Lot:      | 05 - 00 - 0260                                                                                         |
| Business Name:              |                                                                                                        |
| Owner(s):                   | TULLY JAMES J - FS - Fee Simple - 100%                                                                 |
| Mailing Address On File:    | 105 BROAD AVE<br>DAYTONA BEACH FL 32118                                                                |
| Physical Address:           | 105 BROAD AVE, DAYTONA BEACH 32118                                                                     |
| Building Count:             | 1                                                                                                      |
| Neighborhood:               | 3107 - ORITA SLB                                                                                       |
| Subdivision Name:           | CARTER NORWOOD REPLAT                                                                                  |
| Property Use:               | 0100 - SINGLE FAMILY                                                                                   |
| Tax District:               | 200-UNINCORPORATED - NORTHEAST                                                                         |
| 2022 Proposed Millage Rate: | 18.2602                                                                                                |
| Homestead Property:         | Yes                                                                                                    |
| Agriculture Classification: | No                                                                                                     |
| Short Description:          | E 60 FT OF LOTS 26 27 & 28 CARTERNORWOOD REPLAT MB 19 PG 16<br>PER OR 4874 PG 2924 PER CR 6333 PG 3619 |

#### Property Values

| Tax Year:          | 2022 Working  | 2021 Final    | 2020 Final    |
|--------------------|---------------|---------------|---------------|
| Valuation          | 1-Market      | 1-Market      | 1-Market      |
| Method:            | Oriented Cost | Oriented Cost | Oriented Cost |
| Improvement        | \$209,382     | \$155,101     | \$138,841     |
| Value:             | \$101,115     | \$84,744      | \$84,102      |
| Land Value:        | \$310,497     | \$239,845     | \$222,943     |
| Just/Market Value: |               |               |               |

### EXHIBIT 3

#### A: Aerial View of Annexing Property (105 Broad Avenue)



Source: Volusia County Property Appraiser Website, 2022

#### B: Street View of Annexing Property (105 Broad Avenue)



Source: GoogleMaps, 2016

**EXHIBT 4  
PRE-ANNEXATION FORM**

Name of Property Owner: James Tully

Property Address/Tax Parcel ID 105 Broad Avenue / 5335-05-00-0260

Lot Size: 60' x 150' = 9,000sf (0.27 acres)

According to Volusia County property records, does this property appear to meet Section 171.044 of Florida Statutes? Yes X No \_\_\_\_\_

How is property contiguous? East \_\_\_\_\_ West \_\_\_\_\_ North \_\_\_\_\_ South X

Property Appraiser Just/Market Value: \$310,497

Homesteaded Property: Yes X No \_\_\_\_\_

Special Flood Hazard Area? Yes \_\_\_\_\_ No X

Improved Lot X Unimproved Lot (Vacant) \_\_\_\_\_

Existing Use: Single-family Residential

Conforming Land Use: X Non-Conforming Land Use: \_\_\_\_\_ Explain:

Existing County Zoning: R-9 Urban Single-Family Residential District

Existing County Land Use: Urban Low Intensity

Condition of Property: Poor \_\_\_\_\_ Good X Excellent \_\_\_\_\_

Water: Port Orange X Daytona Beach \_\_\_\_\_

Sanitary: Sewer X (DBS) Septic Tank \_\_\_\_\_

If septic tank on site, is sewer available? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Metes and Bounds Survey conducted? Yes X No \_\_\_\_\_

Prepared by: Noel Eaton, City Planner Date: September 12, 2022

**EXHIBIT 5:** Voluntary Annexation Criteria pursuant to Section 171.044, *Florida Statutes*

| Section    | Annexation Criteria                                                                     | Criteria Met | Comments                                                                                                                                                                                                                                   |
|------------|-----------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 171.044(1) | Property must be contiguous to the City.                                                | Yes          | Per Sec. 171.031(11), subject property is contiguous to the City to the south.                                                                                                                                                             |
| 171.044(1) | Property must be reasonably compact.                                                    | Yes          | Per Sec. 171.031(12), subject property is reasonably compact and will not create new enclaves, pockets or finger areas in serpentine patterns. In addition, the annexation will aid in reducing the larger county enclave in the vicinity. |
| 171.044(2) | Petition bears the signatures of all owners of property.                                | Yes          | See <b>Exhibit 2</b> .                                                                                                                                                                                                                     |
| 171.044(2) | Meet publication requirements.                                                          | Yes          | Evidence filed with the Office of the City Clerk.                                                                                                                                                                                          |
| 171.044(3) | Ordinance shall be filed per statute.                                                   | Pending      | Ordinance filing will occur per statutory deadline subsequent to the Ordinance's adoption.                                                                                                                                                 |
| 171.044(3) | Ordinance shall include a map and legal description by metes and bounds.                | Yes          | See Ordinance 2022-19.                                                                                                                                                                                                                     |
| 171.044(4) | Annexation method shall be supplemental to any other procedure provided by general law. | N/A          |                                                                                                                                                                                                                                            |
| 171.044(5) | Annexation shall not create enclaves.                                                   | Yes          | Per Sec. 171.031(13), subject property does not create an enclave. In fact the annexation will reduce the larger County enclave that currently exists in this area.                                                                        |
| 171.044(6) | Provision of notice to County Commissioners per statute.                                | Yes          | Notice provided via certified mail per statutory requirement.                                                                                                                                                                              |



## **CITY COUNCIL AGENDA MEMORANDUM OCTOBER 11, 2022 AGENDA**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Stewart Cruz, Community Services Director

**PREPARED BY:** Cheri Schwab, City Clerk

**SUBJECT:** Resolution 2022-10: Consideration to waive city building permit fees for Hurricane related damages

### **SYNOPSIS:**

The City of Daytona Beach Shores sustained widespread impacts on September 28 and September 29 as a result of Hurricane Ian. Impacts of the storm range from minor to major, including, but not limited to roof, seawall, fence, and pool deck damage. Reconstruction and repairs are required to address the impact of the storm. If approved, Resolution 2022-10 would waive local building permit fees and inspections that are sought as a direct result of damage from Hurricane Ian. Highlights of the resolution include the following:

1. The duration of the fee waiver period is 30 days.
2. The City Manager and Mayor may extend the duration of the waiver in increments of 30 days, not to exceed 90 days, for major storm related damage repair or reconstruction.
3. The waiver of fees does not apply to re-inspection fees or to surcharges imposed by the state.
4. The fee waiver only applies to the reconstruction or repair of the structure to its previously permitted condition.
5. To be eligible for the waiver of the fees in question, the property owner or contractor requesting the permit and inspection shall provide proof of storm damage submitted with the permit application. Such proof shall be photographic, written verification by an insurance adjuster, written verification by an architect, engineer, or contractor, or written verification by a City official.

### **FISCAL IMPACT STATEMENT:**

### **BACKGROUND:**

1. On September 23, 2022, the Governor of the State of Florida issued Executive Order 22-218 to declare a state of emergency for all counties in the state of Florida, including Volusia County, due to the impending effects of Hurricane Ian.
2. On September 24, 2022, the Governor issued Executive Order 22-219, amending Executive Order 22-218.
3. On September 27, 2022, the City Manager of the City of Daytona Beach Shores issued a Declaration of Local Emergency for Hurricane Ian, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores,
4. On September 28 and September 29 Hurricane Ian struck the City of Daytona Beach Shores.
5. On September 29, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Ian, which was noticed in the Federal Registrar as FEMA-4673-DR.
6. Hurricane Ian has passed and recovery efforts have begun in the City of Daytona Beach Shores.
7. Hurricane Ian resulted in widespread damage to properties in the City of Daytona Beach Shores.

**LEGAL REVIEW:**

**RECOMMENDATION:**

Approval.

**SUGGESTED MOTION:**

Approval of Resolution 2022-10 as presented.

**ATTACHMENT:**     1.     Res 2022-10-Permit Fee Waiver-Hurricane Ian-10-6-22

**RESOLUTION NO. 2022-10**

**A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA WAIVING HURRICANE RELATED LOCAL BUILDING PERMIT FEES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, DURATION AND WAIVER EXTENTIONS; PROVIDING FOR A SAVINGS PROVISION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 23, 2022, the Governor issued **Executive Order 22-218** to declare a state of emergency for all counties in the state of Florida, including Volusia County, due to the impending effects of Hurricane Ian; and

**WHEREAS**, on September 24, 2022, the Governor issued **Executive Order 22-219**, amending **Executive Order 22-218**; and

**WHEREAS**, on September 27, 2022, the City Manager of the City of Daytona Beach Shores issued a **Declaration of Local Emergency** for Hurricane Ian, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores; and

**WHEREAS**, Hurricane Ian struck the City of Daytona Beach Shores on September 28 and September 29; and

**WHEREAS**, on September 29, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Ian, which was noticed in the Federal Register as FEMA-4673-DR; and

**WHEREAS**, Hurricane Ian has passed and recovery efforts have begun in the City of Daytona Beach Shores;

**WHEREAS**, the City of Council of the City of Daytona Beach Shores finds that it is in the best interest of the city, businesses, and citizens to waive local building permitting fees, including plan review fees, for permits needed as a direct result of Hurricane Ian storm damage, including, but not limited to, HVAC repairs, roof repairs, fence permits, seawalls, and window replacement, through November 10, 2022; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:**

**SECTION ONE. RECITALS.** The “WHEREAS” clauses are hereby incorporated by reference herein.

**SECTION TWO.** The City Council of the City of Daytona Beach Shores hereby waives the local building permit fees for repair and reconstruction as a direct result of damage related Hurricane Ian. The waiver of fees shall not apply to re-inspection fees or to surcharges imposed by the state. The fee wavier shall only apply to the reconstruction or repair of the structure to its previously permitted condition.

**SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS.** To be eligible for the waiver of fees the property owner or contractor requesting the permit and inspection shall provide proof of storm damage submitted with the permit application. Such proof shall be photographic, written verification by an insurance adjuster, written verification by an architect, engineer, or contractor, or written verification by a City official. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Resolution and to take any and all necessary administrative actions.

**SECTION FOUR. DURATION AND WAIVER EXTENSIONS.** The duration of this waiver is for 30 days after the effective date of this resolution. The Mayor and City Manager may extend the duration of this waiver for major hurricane related repairs, including but not limited to, roof, seawalls, and structural repairs, in increments of 30 days, not to exceed 90 days.

**SECTION FIVE. SAVINGS.** The prior actions of the City of Daytona Beach Shores relating to local building permit waiver, as well as any and all related actions and activities, are hereby ratified and affirmed.

**SECTION SIX. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION SEVEN. SEVERABILITY.** If any Section or portions of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

**SECTION EIGHT. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption and may be extended as provided herein.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

By: \_\_\_\_\_  
Nancy Miller, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Kurt Swartlander, City Manager

\_\_\_\_\_  
Cheri Schwab, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_  
John Cary, City Attorney

Passed and adopted on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Posted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.



**CITY COUNCIL AGENDA MEMORANDUM  
OCTOBER 11, 2022 AGENDA**

**TO:** Honorable Mayor and Members of the City Council

**FROM:**

**PREPARED BY:** Stewart Cruz, Community Services Director

**SUBJECT:** Discussion on Temporary Signage For Businesses

**SYNOPSIS:**

**FISCAL IMPACT STATEMENT:**

**BACKGROUND:**

**LEGAL REVIEW:**

**RECOMMENDATION:**

**SUGGESTED MOTION:**

**ATTACHMENT:** None