

RESOLUTION NO. 2025-90

**A RESOLUTION OF THE CITY OF DELTONA, FLORIDA;
AUTHORIZING THE CITY MANAGER TO APPROVE A
TRANSFER OF PUBLIC ROAD JURISDICTION AND
MAINTENANCE PURSUANT TO FLORIDA STATUTES
SECTION 335.0415 FOR A PORTION OF FERNANDA
DRIVE; PROVIDING FOR IMPLEMENTATION AND AN
EFFECTIVE DATE.**

WHEREAS, Section 335.0415, Florida Statutes authorizes the transfer of jurisdiction of public roads and the responsibility for operation and maintenance within the right-of-way of any road within the state, county, and municipal road system by mutual agreement of the affected governmental entities; and

WHEREAS, Volusia County (the "County") has jurisdiction of undeveloped Carolina Avenue and partially improved New York Avenue, as platted in D.M. Jarvis' First Addition To Osteen subdivision, recorded at Map Book 21, Pages 114 through 116 (original Map Book 7, Page 119), which are within the unincorporated area of the County, but adjacent to the incorporated area of the City of Deltona (the "City"); and

WHEREAS, Fernanda Place is an existing subdivision located wholly within the City, but connecting to Howland Boulevard through platted Carolina Avenue, and connecting to platted New York Avenue; and

WHEREAS, the City wishes to consider all elements of existing subdivision as a single development order for the subdivision or any future improvements to platted Carolina Avenue and platted New York Avenue; and

WHEREAS, the County and the City each desire that the City take jurisdiction and maintenance responsibility for Fernanda Drive, within the platted Carolina Avenue and platted New York Avenue as well as those portions of Fernanda Drive dedicated to the County in Book 7701, Page 3113 of the Official Records of Volusia County, permanently and indefinitely; and

WHEREAS, the City Commission desires to authorize the City Manager or his designee to execute the Agreement for Transfer of Public Road Jurisdiction and Maintenance Pursuant to Section 335.0414, Florida Statutes, for a Portion of Fernanda Drive (the "Agreement") attached hereto and incorporated herein as "Exhibit A" in

substantially the form attached and subject to any changes to form as may be required by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

Section 1. Recitals Adopted. That each of the above recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Agreement Approved. That the City Commissions hereby approves the Agreement with Volusia County, in substantially the form attached hereto as "Exhibit A" and hereby provides that the City Manager and/or designee is authorized to execute the Agreement on behalf of the City and any related documents in a form approved by the City Attorney.

Section 3. Implementation. That the City Manager is hereby authorized to take any action which is necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS _____ DAY OF _____, 2025.

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

TG Law, PLLC, CITY ATTORNEY

EXHIBIT A

Prepared by:
Paolo S. Soria
Legal Department
County of Volusia, Florida
123 West Indiana Avenue
DeLand, Florida 32720

AGREEMENT FOR TRANSFER OF PUBLIC ROAD
JURISDICTION AND MAINTENANCE PURSUANT TO SECTION 335.0415, F.S.
- FERNANDA DRIVE

This AGREEMENT FOR TRANSFER OF PUBLIC ROAD JURISDICTION AND MAINTENANCE PURSUANT TO SECTION 335.0415, F.S. (AGREEMENT) is made and entered into between the County of Volusia, a political subdivision of the State of Florida, 123 West Indiana Avenue, DeLand, Florida, 32720 (COUNTY), and the City of Deltona, a Florida municipal corporation, 2345 Providence Boulevard, Deltona, Florida, 32725 (CITY), for the purposes and consideration set forth herein.

WHEREAS, the COUNTY has jurisdiction of undeveloped Carolina Avenue and partially improved New York Avenue, as platted in D.M. Jarvis' First Addition To Osteen subdivision, recorded at Map Book 21, Pages 114 through 116 (original Map Book 7, Page 119), which are within the unincorporated area of the COUNTY, but adjacent to the incorporated area of the CITY; and

WHEREAS, Fernanda Place , is an existing subdivision located wholly within the CITY, but connecting to Howland Boulevard through platted Carolina Avenue, and connecting to platted New York Avenue; and

WHEREAS, the CITY wishes to consider all elements of existing subdivision as a single development order for the subdivision or any future improvements to platted Carolina Avenue and platted New York Avenue; and

WHEREAS, the COUNTY and the CITY each desire that the CITY take jurisdiction and maintenance responsibility for Fernanda Drive, within the platted Carolina Avenue and platted New York Avenue as well as those portions of Fernanda Drive dedicated to the County in Book 7701, Page 3113 of the Official Records of Volusia County, permanently and indefinitely; and

WHEREAS, section 335.0415, Florida Statutes, authorizes the COUNTY to transfer jurisdiction and maintenance responsibility for Fernanda Drive, within the platted Carolina Avenue and platted New York Avenue and outside the platted rights of way, to the CITY by this AGREEMENT.

NOW, THEREFORE, the COUNTY and the CITY hereby agree as follows:

1. The above recitals are true and correct and incorporated herein by reference.

2. All jurisdiction and maintenance responsibility for Fernanda Drive as described in and depicted on the attached EXHIBIT A, is hereby transferred, pursuant to section 335.0415, Florida Statutes, from the COUNTY to the CITY. From and after the effective date of this AGREEMENT, the COUNTY shall have no further jurisdiction of, or responsibility for the maintenance of, platted Carolina Avenue and platted New York Avenue, or for Fernanda Drive outside of the platted rights of way, and the COUNTY shall be under no obligation to retake such jurisdiction or maintenance responsibility in the future.

3. This AGREEMENT does not approve any use of Learning Way as a means of ingress or egress to the Fernanda Place subdivision, and such use is subject to review and approval pursuant to all applicable rules and regulations, including review, approval, or coordination with Volusia County Schools and the School Board of Volusia County.

4. This AGREEMENT does not approve any lot line adjustments or guarantee the future use, or public road access for, any lots in Block A or Block B of D.M. Jarvis' First Addition to Osteen subdivision. Future development of any lots in Block A or Block B of D.M. Jarvis' First Addition to Osteen subdivision, including any lots affected by the final alignment of improved Carolina Avenue, shall be subject to all applicable rules and regulations of the governing jurisdiction at the time of such development.

5. Pinder Place, LLC, granted Fernanda Investments, LLC, the COUNTY, and the CITY, an easement, generally located adjacent to platted Carolina Avenue, pursuant to the Amended and Restated Side Slope, Grading, Landscape and Signage Easement Agreement recorded at Official Records Book 7508, Page 1763, for development of the Fernanda Place subdivision. Since this AGREEMENT transfers jurisdiction and maintenance of platted Carolina Avenue to the CITY, the COUNTY does not require any interest in the above-described easement, and the COUNTY shall assign all of its right, title and interest in such easement to the CITY by a separately recorded instrument.

IN WITNESS WHEREOF, the COUNTY and the CITY have executed this AGREEMENT, effective as of the latest date written below.

ATTEST:

COUNTY OF VOLUSIA

George Recktenwald
County Manager

Jeffrey S. Brower
County Chair

Approved by:

County Attorney's Office

ATTEST:

CITY OF DELTONA

Joyce Rafferty
City Clerk

Dale "Doc" Dougherty, ICMA-CM
City Manager

Approved by:

Gemma Torcivia
City Attorney's Office