

RESOLUTION NO. 2026-06

**A RESOLUTION OF THE CITY OF DELTONA, FLORIDA;
APPROVING THE SETTLEMENT OF ALL CLAIMS MADE
BY HOWLAND STATION CONDO DEVELOPERS, LLC;
RATIFYING CERTAIN PROPERTY TRANSACTIONS IN
ACCORDANCE WITH THE SETTLEMENT AGREEMENT;
DIRECTING THE CITY MANAGER TO SCHEDULE A CITY
COMMISSION WORKSHOP; AMENDING THE BUDGET
FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025,
AND ENDING SEPTEMBER 30, 2026; PROVIDING FOR
IMPLEMENTATION, SEVERABILITY, SCRIVENER'S
ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Deltona, Florida (the "City") adopted Ordinance No. 02-2025 on December 23, 2024, clarifying the City's land development regulations related to implementation of the Live Local Act; and

WHEREAS, prior to the adoption of Ordinance No. 02-2025, Howland Station Condo Developers, LLC ("Howland Station") submitted an application for development (the "Application") upon property located on Martin Luther King Jr. Boulevard and Howland Boulevard in the City of Deltona, Florida, which is identified as tax parcels 810807000020 and 810807000030 (the "Property") under the City's previous regulations related to the Live Local Act (the "Previous Regulations"); and

WHEREAS, the City determined the Application was incomplete and the City required Howland Station to submit a new application compliant with Ordinance No. 02-2025, Howland Station alleges the Application was complete and requested to proceed under the Previous Regulations (the "Dispute"); and

WHEREAS, the Dispute has resulted in filing of litigation in Florida's 7th Judicial Circuit in and for Volusia County, styled as *Howland Station Condo Developers LLC v. City of Deltona* and identified by Case Number 2025-10821-CIDL (the "Litigation"); and

WHEREAS, the Litigation was later amended to include additional counts alleging that Ordinance No. 02-2025 is null and void ab initio pursuant to Senate Bill 180; and

WHEREAS, as a result of the Dispute, Howland Station also issued a Presentation of Claim pursuant to Section 70.001, Florida Statutes, the Bert J. Harris Private Property Rights Protection Act (the “Bert Harris Claim”); and

WHEREAS, Howland Station Condo Developers, LLC is willing to execute a General Release (“Settlement Agreement”) extinguishing any and all claims including all past, present, and future claims for damages arising from the Dispute, including the Bert Harris Claim, and convey the Property to the City for the total amount of Three Million One Hundred Twenty Five Thousand dollars and zero cents (\$3,125,000.00), inclusive of all costs and fees (the “Settlement Amount”); and

WHEREAS, the City desires to avoid the uncertainties and expense of litigation;
and

WHEREAS, the City Commission has determined that it is in the best interest of the City to extinguish all claims including all past, present, and future claims for damages arising, including the Bert Harris Claim, made by Howland Station Condo Developers, LLC, arising out of the Dispute for the Settlement Amount; and

WHEREAS, as a further condition of extinguishing all claims including all past, present, and future claims for damages arising, including the Bert Harris Claim, made by Howland Station Condo Developers, LLC, arising out of the Dispute, the City agrees to ratify the transfer of the Church Property to Howland Station, which was accomplished through the Quitclaim Deed executed on October 23, 2024, between Faith Bible Church of the Christian and Missionary Alliance, Inc. and Howland Station Condo Developers, L.L.C., and the Special Warranty Deed that was executed on October 25, 2024, between the same parties (the “Church Property Transaction”); and

WHEREAS, the City Commission hereby ratifies the Church Property Transaction;
and

WHEREAS, because the Property will be conveyed to the City as part of the Settlement Agreement, the City Commission hereby directs the City Manager to schedule a City Commission Workshop within ninety (90) days of execution of the Settlement Agreement by all parties to discuss potential uses of the Property; and

WHEREAS, on September 22, 2025, the City Commission adopted Resolution 2025-134 approving the City's total operating and capital budgets for Fiscal Year 2025-2026; and

WHEREAS, the City Commission adopted Resolution 2025-155 on December 15, 2025, amending the total operating budget for Fiscal Year 2025-2026; and

WHEREAS, from time-to-time circumstances and events may require the original budget to be revised; and

WHEREAS, pursuant to Section 2-175.2 of the Code of Ordinances of the City of Deltona, Florida, the City Commission may, by resolution, approve amendments to the adopted budget.

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. Settlement Agreement Approved. That the City Commission approves the settlement of all claims that were or could have been asserted by Howland Station Condo Developers, LLC which arise or relate to the Dispute, inclusive of all costs and fees for the Settlement Amount.

Section 3. Church Property Transaction Ratified. That the City Commission hereby ratifies the transfer of the Church Property to Howland Station, which was

accomplished through the Quitclaim Deed executed on October 23, 2024, between Faith Bible Church of the Christian and Missionary Alliance, Inc. and Howland Station Condo Developers, L.L.C., and the Special Warranty Deed that was executed on October 25, 2024, between the same parties.

Section 4. City Commission Workshop. That the City Commission hereby directs the City Manager to schedule a City Commission Workshop within ninety (90) days of execution of the Settlement Agreement by all parties to discuss potential uses of the Property.

Section 5. Budget Amendments Approved. That the City's 2025-2026 Operating Budget is hereby revised and amended as provided in **Exhibit "A"** attached hereto and incorporated herein by this reference. As applicable, the transfer of funds may be made from any legally acceptable source.

Section 6. Fiscal Year 2026. That the budget items adopted in the preceding section shall govern the expenditures relating to such items for the City during the fiscal year effective October 1, 2025, through September 30, 2026.

Section 7. Implementation. That the City Manager or his designee is hereby authorized to execute all documents and agreements, in a form approved by the City Attorney, necessary to implement the intent of this Resolution and to provide for payment of the Settlement Amount.

Section 8. Severability. That in the event any portion of this Resolution is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portion or sections of the Resolution which shall remain in full force and effect.

Section 9. Scrivener's Errors. That typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

Section 10. 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 _____, 2026.**

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