

**RESOLUTION NO. 2021-19**

**A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, VACATING CERTAIN PUBLIC RIGHT OF WAYS WITHIN THE DAVIS PARK 3<sup>RD</sup> ADDITION PLAT, MAPBOOK 18, PAGE 117 MORE PARTICULARLY DESCRIBED IN EXHIBIT A LOCATED WITHIN THE DELTONA ACTIVITY CENTER; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, Section 106-32 of the Deltona Code of Ordinances was adopted by the City Commission and is known as “Vacation of Platted Subdivisions”; and

**WHEREAS**, the applicant of adjacent property, **AVID Group, LLC (Ronald Henson, PE and Peter Pensa, AICP)** has submitted an application to vacate a portion of right of way running south of lots 18 and 29, block 9 Davis Park 3<sup>rd</sup> Addition, MB 18, page 117, of the Public Records of Volusia County Florida and a portion of the Mangoe Street Right of Way more particularly described in Exhibit A.

**WHEREAS**, the City of Deltona has the power and authority to vacate and abandon entire or portions of plats and/or platted rights of way under constitutional home rule powers and Chapter 166 Florida Statutes; and

**WHEREAS**, the City of Deltona has determined it is the best interest and welfare of the City of Deltona and the citizens thereof to vacate and abandon the subject rights of way associated with the Davis Park 3<sup>rd</sup> Addition subdivision.

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

**Section 1.** The following right of way segments are hereby declared to be vacated and abandoned: A portion of right of way running south of lots 18 and 29, block 9 Davis Park 3<sup>rd</sup> Addition, MB 18, page 117, of the Public Records of Volusia County Florida and a portion of the Mangoe Street Right of Way more particularly described in Exhibit A.

**Section 2. Conflicts.** All Resolutions or parts of Resolutions insofar as they are inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of any conflict.

**Section 3. Severability.** 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 4. Effective Date.** This resolution shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Heidi K. Herzberg, MAYOR

ATTEST:

\_\_\_\_\_  
Joyce Raftery, CMC, MMC, City Clerk

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

\_\_\_\_\_  
CITY ATTORNEY

Exhibit A  
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LEGAL DESCRIPTION- NORTH 1/2 OF THE 15 FOOT DRIVEWAY VACATION  
ADJACENT TO TAX PARCEL NO. 8106060100120

A PARCEL OF LAND BEING THE NORTH 1/2 OF A PORTION OF THE 15 FOOT DRIVEWAY; AS SHOWN ON THE PLAT ENTITLED DAVIS PARK 3RD ADDITION ORIGINALLY RECORDED IN PLAT BOOK 6, PAGE 205 AND NOW RECORDED IN PLAT BOOK 18, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN A PORTION OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE 15 FOOT DRIVEWAY (VACATED BY OFFICIAL RECORDS BOOK 7819, PAGE 98) AND THE NORTHEAST CORNER OF LOT 19 BLOCK 10 AS SHOWN ON THE PLAT ENTITLED DAVIS PARK 3RD ADDITION ORIGINALLY RECORDED IN PLAT BOOK 6, PAGE 205 AND NOW RECORDED IN PLAT BOOK 18, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 89°22'37" WEST ALONG THE SOUTHERN LINE OF SAID VACATED 15 FOOT DRIVEWAY AND THE NORTH LINE OF LOTS 19 THROUGH 23(INCLUSIVE) FOR 134.62 FEET TO THE SOUTHWEST CORNER OF SAID VACATED 15 FOOT DRIVEWAY; THENCE NORTH 00°22'06" WEST ALONG THE WEST LINE OF SAID DRIVEWAY FOR 7.53 FEET TO THE CENTERLINE OF A POTION OF THE SAID 15 FOOT DRIVEWAY AND THE POINT OF BEGINNING; THENCE NORTH 89°26'19" WEST ALONG THE CENTERLINE OF SAID 15 FOOT RIGHT OF WAY FOR 30.12 FEET TO INTERSECT THE WEST LINE OF THE EAST 1/2 OF VACATED MANGO STREET(VACATED BY AFORESAID OFFICIAL RECORDS BOOK 7819, PAGE 98); THENCE NORTH 00°14'30" WEST ALONG THE SAID WEST LINE FOR 7.50 FEET; THENCE SOUTH 89°26'19" EAST FOR 30.11 FEET TO INTERSECT THE WEST LINE OF THE SAID VACATED 15 FOOT RIGHT OF WAY; THENCE SOUTH 00°22'06" EAST ALONG SAID WEST LINE FOR 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 226 SQUARE FEET OR 0.0052 ACRES, MORE OR LESS.

LEGAL DESCRIPTION- NORTH 1/2 OF THE 15 FOOT DRIVEWAY VACATION  
ADJACENT TO TAX PARCEL NO. 810606090130

A PARCEL OF LAND BEING THE NORTH 1/2 OF A PORTION OF THE 15 FOOT DRIVEWAY; AS SHOWN ON THE PLAT ENTITLED DAVIS PARK 3RD ADDITION ORIGINALLY RECORDED IN PLAT BOOK 6, PAGE 205 AND NOW RECORDED IN PLAT BOOK 18, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN A PORTION OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCE AT THE SOUTHEAST CORNER OF THE 15 FOOT DRIVEWAY (VACATED BY OFFICIAL RECORDS BOOK 7819, PAGE 98) AND THE NORTHEAST CORNER OF LOT 19 BLOCK 10 AS SHOWN ON THE PLAT ENTITLED DAVIS PARK 3RD ADDITION ORIGINALLY RECORDED IN PLAT BOOK 6, PAGE 205 AND NOW RECORDED IN PLAT BOOK 18, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 89°22'37" WEST ALONG THE SOUTHERN LINE OF SAID VACATED 15 FOOT DRIVEWAY AND THE NORTH LINE OF LOTS 19 THROUGH 23 (INCLUSIVE) FOR 134.62 FEET TO THE SOUTHWEST CORNER OF SAID VACATED 15 FOOT DRIVEWAY; THENCE NORTH 00°22'06" WEST ALONG THE WEST LINE OF SAID DRIVEWAY FOR 7.53 FEET TO THE CENTERLINE OF A PORTION OF THE SAID 15 FOOT DRIVEWAY; THENCE NORTH 89°26'19" WEST ALONG THE SAID CENTERLINE FOR 194.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°26'19" WEST, ALONG SAID CENTERLINE, FOR 134.69 FEET TO INTERSECT THE WEST LINE EXTENDED OF LOT 29, BLOCK 9 AND THE EAST RIGHT OF WAY LINE OF PERSIMMON STREET AS SHOWN ON THE AFORESAID PLAT; THENCE NORTH 00°15'38" WEST ALONG SAID EAST LINE FOR 7.50 FEET TO THE SOUTHWEST CORNER OF AFORESAID LOT 29, BLOCK 9; THENCE SOUTH 89°26'19" EAST ALONG THE SOUTH LINE OF SAID LOT 29, BLOCK 9 AND SOUTH LINE OF TAX PARCEL NO. 810606090130 FOR 134.69 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29; THENCE SOUTH 00°16'30" EAST FOR 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,010 SQUARE FEET OR 0.0232 ACRES, MORE OR LESS.

LEGAL DESCRIPTION- NORTH 1/2 OF THE 15 FOOT DRIVEWAY VACATION ADJACENT TO TAX PARCEL NO. 810606090170

A PARCEL OF LAND BEING THE NORTH 1/2 OF A PORTION OF THE 15 FOOT DRIVEWAY; AS SHOWN ON THE PLAT ENTITLED DAVIS PARK 3RD ADDITION ORIGINALLY RECORDED IN PLAT BOOK 6, PAGE 205 AND NOW RECORDED IN PLAT BOOK 18, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN A PORTION OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE 15 FOOT DRIVEWAY (VACATED BY OFFICIAL RECORDS BOOK 7819, PAGE 98) AND THE NORTHEAST CORNER OF LOT 19 BLOCK 10 AS SHOWN ON THE PLAT ENTITLED DAVIS PARK 3RD ADDITION ORIGINALLY RECORDED IN PLAT BOOK 6, PAGE 205 AND NOW RECORDED IN PLAT BOOK 18, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 89°22'37" WEST ALONG THE SOUTHERN LINE OF SAID VACATED 15 FOOT DRIVEWAY AND THE NORTH LINE OF LOTS 19 THROUGH 23 (INCLUSIVE) FOR 134.62 FEET TO THE SOUTHWEST CORNER OF SAID VACATED 15 FOOT DRIVEWAY; THENCE NORTH 00°22'06"

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WEST ALONG THE WEST LINE OF SAID DRIVEWAY FOR 7.53 FEET TO THE CENTERLINE OF A PORTION OF THE SAID 15 FOOT DRIVEWAY; THENCE NORTH 89°26'19" WEST ALONG THE SAID CENTERLINE FOR 30.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°26'19" WEST, ALONG SAID CENTERLINE FOR 164.65 FEET INTERSECT THE EAST LINE EXTENDED OF LOT 29, AND THE WEST LINE EXTENDED OF LOT 18, BLOCK 9 AS SHOWN ON THE AFORESAID PLAT; THENCE NORTH 00°16'30" WEST ALONG SAID LINE FOR 7.50 FEET SOUTHWEST CORNER OF SAID LOT 18; THENCE SOUTH 89°26'19" EAST ALONG THE SOUTH LINE OF SAID LOT 18 AND A WEST 1/2 OF VACATED MANGO STREET (VACATED BY AFORESAID OFFICIAL RECORDS BOOK 7819, PAGE 98) FOR 164.66 FEET TO INTERSECT THE EAST LINE OF THE SAID WEST 1/2 OF VACATED MANGO STREET; THENCE SOUTH 00°14'30" EAST ALONG SAID EAST LINE FOR 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,235 SQUARE FEET OR 0.0283 ACRES, MORE OR LESS.