

ORDINANCE NO. 10-2024

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, VACATING EASEMENTS AND ABANDONING PORTIONS OF THE FLORIDA AVENUE AND CLARA STREET RIGHTS-OF-WAY, WITHIN THE DAVIS PARK PLAT AS RECORDED IN MAP BOOK 27, PAGE 68 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 58-37 of the Deltona Code of Ordinances was adopted by the City Commission and is known as “Procedures for application for abandonment of easements or other non-fee interest”; and

WHEREAS, an application has been made to vacate easements and abandon portions of rights-of-way known as Florida Avenue and Clara Street in the Davis Park Plat, MB 27, PG 68.; and

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 rights of way associated with the Davis Park Plat.

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

Section 1. Located in the City of Deltona, Florida, the following easements and rights-of-way segments for Florida Avenue and Clara Street of the Davis Park Plat are hereby declared to be vacated and abandoned; legal descriptions are described in **Exhibit “A”**:

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or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

Section 3. Severability. In the event any portion of this Ordinance 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 Ordinance which shall remain in full force and effect.

Section 4. Effective Date. This Ordinance 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 _____, 2024.

Avila Santiago, 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:

CITY ATTORNEY

EXHIBIT "A"

Legal Descriptions for right-of-way vacations

A PORTION OF CLARA STREET AND FLORIDA AVENUE, DAVIS PARK, SIXTEENTH ADDITION TO ORANGE CITY, AS RECORDED IN MAP BOOK 7, PAGE 68 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 15, BLOCK 11, DAVIS PARK, SIXTEENTH ADDITION TO ORANGE CITY, AS RECORDED IN MAP BOOK 7, PAGE 68, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF CLARA STREET; THENCE RUN S 00°21'40" E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 100.57 FEET TO THE POINT ON INTERSECTION OF THE EAST RIGHT-OF-WAY OF CLARA STREET AND THE NORTH RIGHT-OF-WAY LINE OF FLORIDA AVENUE; THENCE RUN S 89°54'38" E ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 135.70 FEET; THENCE RUN S 00°22'57" E, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FLORIDA AVENUE; THENCE RUN N 89°54'38" W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 165.72 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF FLORIDA AVENUE AND THE WEST RIGHT-OF-WAY LINE OF CLARA STREET; THENCE RUN N 00°21'40" W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 160.58 FEET; THENCE RUN S 89°53'35" E, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.297 ACRES, MORE OR LESS.