

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, it is anticipated that all of D.M. Jarvis' First Addition To Osteen subdivision will be annexed into the CITY in the future; 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

Doc Dougherty
City Manager

Santiago Avila, Jr.
Mayor

Approved by:

Marsha Segal-George
City Attorney's Office

EXHIBIT A

LEGAL DESCRIPTION (Fernanda Road)

Lot 1 and portions of Lots 2, Lots 9 through 19 and Lots 31 through 42, Block "B", portions of lots 13 through 30, Block "A" together with portions of Carolina Avenue and New York Avenue, D.M. JARVIS FIRST ADD. TO OSTEEN, FLA. As recorded in Plat Book 21, Pages 114 through 116 of the Public Records of Volusia County, Florida and lying in Section 30, Township 18 South, Range 32 East, Volusia County, Florida.

Being more particularly described as follows:

COMMENCE at the Southwest corner of Government Lot 4 being a point on the Easterly right-of-way line Howland Boulevard; thence run North 89°34'53" East along the South line of said Government Lot 4 for a distance of 33.00 feet to the Southwest corner of aforesaid BLOCK A, D.M. JARVIS' FIRST ADD. TO OSTEEN, FLA., also being a point on the East line of an unnamed right-of-way line according to said plat; thence run North 00°05'49" West along the West line of said Block "A" and said East right-of-way line for a distance of 132.26 feet to the POINT OF BEGINNING; thence continuing along said East right-of-way line and the West line of aforesaid Block "B" run North 00°05'49" West for a distance of 60.00 feet; thence departing said East right-of-way line and said West line run the following courses: North 89°35'31" East for a distance of 159.84 feet to the point of curvature of a curve concave Southerly having a radius of 400.00 feet with a chord bearing of South 83°46'14" East and a chord distance of 92.47 feet; thence run Easterly along the arc of said curve through a central angle of 13°16'30" for a distance of 92.68 feet to a point of tangency; thence run South 77°07'59" East for a distance of 83.78 feet to the point of curvature of a curve concave Northerly having a radius of 725.00 feet with a chord bearing of South 83°46'14" East and chord distance of 167.60 feet; thence run Easterly along the arc of said curve through a central angle of 13°16'30" for a distance of 167.98 feet to a point of tangency; thence run North 89°35'31" East for a distance of 64.82 feet to the point of curvature of a curve concave Northerly having a radius of 725.00 feet with a chord bearing of North 82°57'15" East and a chord distance of 167.60 feet; thence run Easterly along the arc of said curve though a central angle of 13°16'30" for a distance of 167.98 feet to a point of tangency; thence run North 76°19'00" East for a distance of 31.04 feet to the point of curvature of a curve concave Southerly having a radius of 775.00 feet with a chord bearing of North 82°56'57" East and a chord distance of 179.02 feet; thence run Easterly along the arc of said curve through a central angle of 13°15'53" for a distance of 179.42 feet to a point of tangency; thence run North 89°34'53" East for a distance of 44.22 feet to a point on the East line of aforesaid New York Avenue and the East line of the West 31 acres of the South ½ of aforesaid Government Lot 4; thence run South 00°05'49" East along said East lines for a distance of 50.00 feet; thence departing said East lines run South 89°34'53" West for a distance of 43.94 feet to the point of curvature

of a curve concave Southerly having a radius of 725.00 feet with a chord bearing of South 82° 56'57" West and a chord distance of 167.47 feet; thence run Westerly along the arc of said curve through a central angle of 13°15'53" for a distance of 167.85 feet to a point of tangency; thence run South 76°19'00" West for a distance of 31.04 feet to the point of curvature of a curve concave Northerly having a radius of 775.00 feet with a chord bearing of South 82°57'15" West and a chord distance of 179.16 feet; thence run Westerly along the arc of said curve through a central angle of 13°16'30" for a distance of 179.56 feet to a point of tangency; thence run South 89°35'31" West for a distance of 64.82 feet to the point of curvature of a curve, concave Northerly having a radius of 775.00 feet with a chord bearing of North 83°46'14" West and a chord distance of 179.16 feet; thence run Westerly along the arc of said curve through a central angle of 13°16'30" for a distance of 179.56 feet to a point of tangency; thence run North 77°07'59" West for a distance of 25.69 feet to the point of curvature of a curve concave Southerly having a radius of 475.00 feet with a chord bearing of North 83°46'14" West and a chord distance of 109.81 feet; thence run Westerly along the arc of said curve through a central angle of 13°16'30" for a distance of 110.05 feet to a point of tangency; thence run South 89°35'31" West a distance of 188.00 feet to the POINT OF BEGINNING. Contains 1.19 acres more or less.