

**ORDINANCE NO. 2005-17**

AN ORDINANCE AMENDING ORDINANCE NO. 2004-28 PERTAINING TO THE TOMOKA HOLDINGS, L.L.C. (ORMOND CROSSINGS) ANNEXATION, BY AMENDING THE LEGAL DESCRIPTION TO CORRECT A SCRIVENER'S ERROR; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Ormond Beach approved Ordinance 2004-28 on July 20, 2004 and recorded in Official Records Book 5368, Pages 3170-3367 inclusive, Volusia County Public Records, on July 27, 2004, and

**WHEREAS**, the legal description for the "Ormond Crossing Area" attached as Exhibit "A" to Ordinance 2004-28 contains a scrivener's error, and the City Commission desires to correct the said error, now therefore,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The legal description contained in Exhibit "A" of Ordinance 2004-28 is hereby amended by substituting in its place the legal description attached hereto.


**SECTION TWO.** All other sections and provisions of Ordinance 2004-28 remain unchanged and in full force and effect. All other ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION THREE.** The City Clerk is hereby authorized and directed to record this ordinance in the public records of Volusia County, Florida.

**SECTION FOUR.** This Ordinance shall take effect immediately upon its adoption.

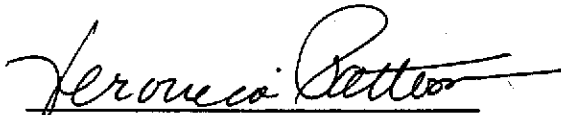
**PASSED UPON** at the first reading of the City Commission, this 14th day of June, 2005.

**PASSED UPON** at the second and final reading of the City Commission, this 28th day of June, 2005.



**FRED COSTELLO**  
Mayor

**ATTEST:**



**VERONICA PATTERSON**  
City Clerk

EXHIBIT "A"

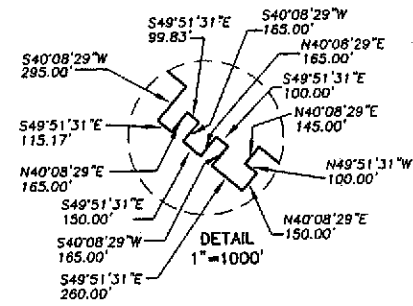
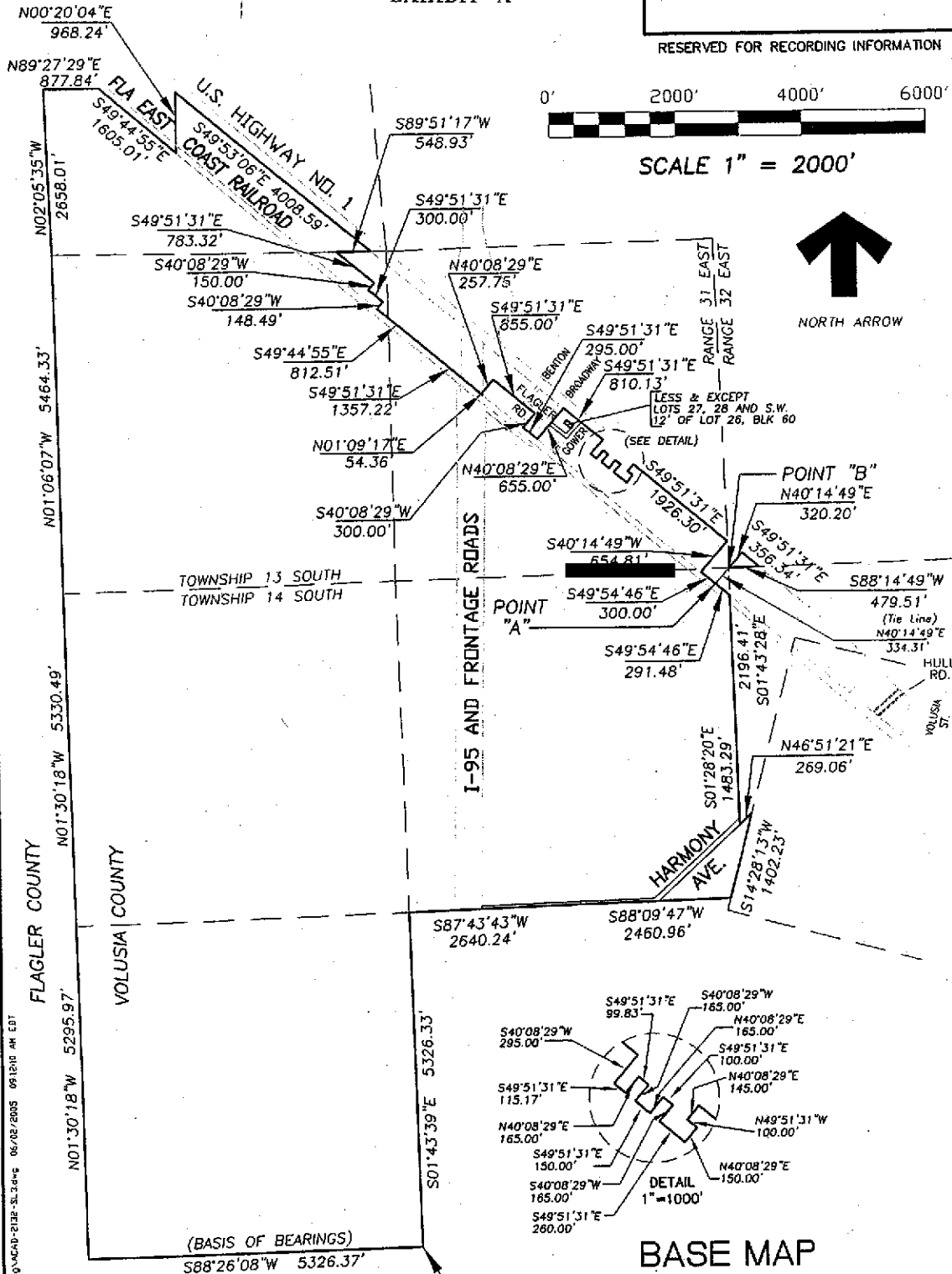
RESERVED FOR RECORDING INFORMATION



SCALE 1" = 2000'



NORTH ARROW



BASE MAP  
 OF  
 ORMOND CROSSING  
 LYING WITHIN VOLUSIA COUNTY,  
 FLORIDA.

POINT OF BEGINNING  
 SOUTHEAST CORNER GOVERNMENT SECTION 11,  
 TOWNSHIP 14 SOUTH, RANGE 31 EAST

SEE SHEET 2 FOR DESCRIPTION, SEE SHEET 3 FOR NOTES, ABBREVIATIONS AND SYMBOLS. (COMP. PLAN/C.R.A.)



**TOMOKA ENGINEERING**  
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1976  
 DAYTONA BEACH FLAGLER/PALM COAST  
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 Phone: 386-274-1600 Fax: 386-274-1602  
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH  
 AND  
 DESCRIPTION

PROJECT NO.	T2132FLCI
DRAWING REFERENCE NO.	2132-SL3D
DATE:	12/09/2004
REVISION:	05/16/2005
SHEET NO.	1 OF 3

LB #2232

**SKETCH AND DESCRIPTION**

**EXHIBIT "A"**

RESERVED FOR RECORDING INFORMATION

**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING SOUTH AND WEST OF U.S. HIGHWAY No. 1 (160'R/W), SAID PARCEL LYING WITHIN AND BEING A PORTION OF GOVERNMENT SECTIONS 26, 35 AND 36, TOWNSHIP 13 SOUTH, RANGE 31 EAST, SECTIONS 1, 2 AND 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST, SECTION 31, TOWNSHIP 13 SOUTH, RANGE 32 EAST, SECTION 6 AND 38 (THE GEORGE ANDERSON GRANT), TOWNSHIP 14 SOUTH, RANGE 32 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST RUN THENCE S88°26'08"W, ALONG THE SOUTH LINE OF SAID SECTION 11, 5,326.37 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE N01°30'18"W ALONG THE WEST LINE OF SAID SECTION 11, 5,295.97 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 2; THENCE N01°30'18"W ALONG THE WEST LINE OF SAID SECTION 2, 5,330.49 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N01°06'07"W ALONG THE WEST LINE OF SAID SECTION 35, 5,464.33 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N02°05'35"W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 26, 2,858.01 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 26; THENCE N89°27'29"E ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 877.84 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY (VARIABLE WIDTH R/W); THENCE S49°44'55"E ALONG SAID WESTERLY RAILROAD RIGHT-OF-WAY LINE, 1,605.01 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY RUN N00°20'04"E, 968.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY No. 1; THENCE S49°53'06"E ALONG SAID WESTERLY LINE OF U.S. HIGHWAY, 4,008.59 FEET TO THE SOUTH LINE OF SAID SECTION 26; THENCE S89°51'17"W ALONG THE SOUTH LINE OF SAID SECTION 26, 548.93 FEET TO THE INTERSECTION WITH NORTHERLY EXTENSION OF THE NORTHEASTERLY LINE OF BLOCK 66, BEING PART OF THE REVISED PLAT OF NATIONAL GARDENS, RECORDED IN MAP BOOK 10 PAGES 250 TO 253 INCLUSIVE, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S49°51'31"E ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 66, 783.32 FEET TO THE NORTHEASTERLY CORNER OF LOT 7 OF SAID BLOCK 66; THENCE S40°08'29"W ALONG THE SOUTHEASTERLY LINE OF SAID LOT 7, 150.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 7; THENCE S49°51'31"E ALONG THE SOUTHWESTERLY LINES OF LOTS 6 THROUGH 1 ALL IN SAID BLOCK 66, 300.00 FEET TO THE SOUTHEASTERLY LINE OF SAID BLOCK 66; THENCE [REDACTED] ALONG SAID SOUTHEASTERLY BLOCK LINE, 148.49 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID FLORIDA EAST COAST RAILWAY; THENCE S49°44'55"E ALONG SAID EASTERLY RAILROAD RIGHT-OF-WAY LINE, 812.51 FEET; THENCE S49°51'31"E, 1357.22 FEET; THENCE DEPARTING SAID EASTERLY RAILROAD RIGHT-OF-WAY RUN N01°09'17"E, 54.36 FEET TO THE SOUTHERLY EXTENSION OF THE SOUTHEAST LINE OF LOT 15, BLOCK 63 OF SAID REVISED PLAT OF NATIONAL GARDENS; THENCE N40°08'29"E ALONG SAID SOUTHWESTERLY EXTENSION, 257.75 FEET TO THE NORTHEASTERLY LINE OF BLOCK 68 OF SAID REVISED PLAT OF NATIONAL GARDENS; THENCE S49°51'31"E ALONG SAID NORTHEASTERLY LINE OF BLOCK 68, 855.00 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 69 OF SAID REVISED PLAT OF NATIONAL GARDENS; THENCE S40°08'29"W ALONG THE SOUTHEASTERLY LINES OF LOTS 9, 12, 13, AND 14, OF SAID BLOCK 69, 300.00 FEET TO THE EASTERLY LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE S49°51'31"E ALONG SAID EASTERLY RAILROAD RIGHT-OF-WAY LINE, 295.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BROADWAY (100'R/W); THENCE N40°08'29"E ALONG SAID SOUTHEASTERLY LINE OF BROADWAY, 655.00 FEET TO SAID WESTERLY LINE OF U.S. HIGHWAY NO. 1; THENCE S49°51'31"E ALONG SAID WESTERLY LINE OF U.S. HIGHWAY NO. 1, 810.13 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY LINE OF LOT 10 AND LOT 59, BLOCK 58 OF SAID REVISED PLAT OF NATIONAL GARDENS; THENCE S40°08'29"W ALONG SAID NORTHWESTERLY LINE OF LOT 10, 295.00 FEET TO THE SOUTHWESTERLY LINE OF LOT 59, BLOCK 58; THENCE S49°51'31"E ALONG THE SOUTHWESTERLY LINES OF LOTS 59 AND 58 OF SAID BLOCK 58, 115.17 FEET; THENCE N40°08'29"E ALONG THE SOUTHEASTERLY LINE OF SAID LOT 58, 165.00 FEET; THENCE S49°51'31"E, A DISTANCE OF 99.83 FEET TO THE NORTHWESTERLY LINE OF LOT 55, BLOCK 58; THENCE S40°08'29"W ALONG SAID NORTHWESTERLY LINE, 165.00 FEET; THENCE S49°51'31"E ALONG THE SOUTHWESTERLY LINE OF LOTS 55, 54 AND 53, BLOCK 58, A DISTANCE OF 150.00 FEET; THENCE N40°08'29"E ALONG THE SOUTHEASTERLY LINE OF SAID LOT 53 A DISTANCE OF 165.00 FEET; THENCE S49°51'31"E A DISTANCE OF 100.00 FEET TO THE NORTHWESTERLY LINE OF LOT 50, BLOCK 58; THENCE ALONG SAID NORTHWESTERLY LINE S40°08'29"W A DISTANCE OF 165.00 FEET; THENCE S49°51'31"E ALONG THE SOUTHWESTERLY LINES OF LOTS 46 THROUGH 50 A DISTANCE OF 260.00 FEET; THENCE N40°08'29"E ALONG THE SOUTHEASTERLY LINE OF SAID LOT 46 A DISTANCE OF 150.00 FEET; THENCE N49°51'31"W A DISTANCE OF 100.00 FEET; THENCE N40°08'29"E ALONG THE SOUTHEASTERLY LINE OF LOT 21 A DISTANCE OF 145.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 1; THENCE S49°51'31"E ALONG SAID WESTERLY LINE OF U.S. HIGHWAY 1, 1,926.30 FEET TO THE NORTHEASTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 27, BLOCK 57 OF SAID REVISED PLAT OF NATIONAL GARDENS; THENCE S40°14'49"W ALONG THE EXTENSION OF SAID NORTHWESTERLY LINE OF LOT 27, 654.81 FEET TO THE EASTERLY LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE S49°54'46"E ALONG SAID EASTERLY RAILROAD RIGHT-OF-WAY LINE, 300.00 FEET TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF LOT 19, NATIONAL GARDENS ADDITION UNIT NO. 1 AS RECORDED IN MAP BOOK 11 PAGE 143, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; SAID POINT HEREINAFTER TO BE KNOWN AS POINT "A" FOR CONVENIENCE; THENCE S49°54'46"E CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 291.48 FEET;

(DESCRIPTION CONTINUED ON PAGE 3 OF 3)



**TOMOKA ENGINEERING**  
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1976  
 DAYTONA BEACH FLAGLER/PALM COAST  
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 Phone: [REDACTED] Fax: [REDACTED]  
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

**SKETCH  
 AND  
 DESCRIPTION**

PROJECT NO.	T2132FLCI
DRAWING REFERENCE NO.	2132-SL3D
DATE	12/09/2004
REVISION	05/16/2005
SHEET NO.	2 OF 3

SKETCH AND DESCRIPTION

EXHIBIT "A"

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION (CONTINUED)

THENCE DEPARTING SAID EASTERLY RAILROAD RIGHT-OF-WAY LINE RUN S01°43'28"E ALONG SAID EASTERLY LINE OF SAID SECTION 1, 2,196.41 FEET TO THE EASTERLY CORNER OF SAID SECTION 1; THENCE S01°28'20"E ALONG SAID EASTERLY LINE OF SAID SECTION 1, 1,483.29 FEET TO THE SOUTHERLY LINE OF HARMONY AVENUE (80'R/W); THENCE N46°51'21"E ALONG SAID SOUTHERLY LINE OF HARMONY AVENUE, 269.06 FEET TO THE WESTERLY LINE OF SAID SECTION 38; THENCE S14°28'13"W ALONG SAID WESTERLY LINE OF SECTION 38, 1402.23 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE S88°09'47"W ALONG SAID SOUTH LINE OF SECTION 1, 2,460.96 FEET TO THE SOUTH CORNER OF SAID SECTION 1; THENCE S87°43'43"W ALONG SAID SOUTH LINE OF SECTION 1, 2,840.24 FEET TO THE NORTHEAST CORNER OF SAID SECTION 11; THENCE S01°43'39"E ALONG THE EAST LINE OF SAID SECTION 11, 5,328.33 FEET TO THE POINT OF BEGINNING.

THENCE RETURN TO THE AFOREMENTIONED POINT "A";

THENCE N40°14'49"E (Tie Line) ALONG SAID NORTHWESTERLY LINE OF LOT 19 FOR A DISTANCE OF 334.31 FEET TO A POINT HEREINAFTER TO BE KNOWN AS POINT "B" FOR CONVENIENCE; THENCE N40°14'49"E CONTINUING ALONG SAID NORTHWESTERLY LINE FOR A DISTANCE OF 320.20 FEET; THENCE S49°51'31"E FOR A DISTANCE OF 356.34 FEET; THENCE S88°14'49"W FOR A DISTANCE OF 479.51 FEET TO THE AFOREMENTIONED POINT "B".

PARCELS CONTAINING A TOTAL AREA OF 133,945,531 SQ. FT. OR 3,074.967 ACRES MORE OR LESS.

LESS AND EXCEPT THE S.W. 12' OF LOT 26 AND ALL OF LOT 27 AND 28, BLOCK 60, NATIONAL GARDENS, MAP BOOK 10, PAGES 250-253, VOLUSIA COUNTY, FLORIDA. CONTAINING 8,835 SQ. FT. OR 0.203 ACRES, MORE OR LESS.

SAID PARCEL CONTAINING A NET AREA OF 133,936,696 SQ. FT. OR 3,074.764 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE SOUTHERLY LINE OF GOVERNMENT SECTION 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA BEING S88°26'08"W.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY.
4. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR / MAPPER.

SIGNED:

*Peter G. Johnson* 6-02-05  
 PETER G. JOHNSON  
 FLA. PROFESSIONAL SURVEYOR/MAPPER # 5913

ABBREVIATIONS

- |                    |                       |                             |                                  |
|--------------------|-----------------------|-----------------------------|----------------------------------|
| C=CURVE            | S/SECT=SECTION        | PCP=PERMANENT CONTROL POINT | PRM=PERMANENT REFERENCE MONUMENT |
| D=DELTA            | R/RNG=RANGE           | PC=POINT OF CURVE           | PLS=PROFESSIONAL LAND SURVEYOR   |
| R=RADIUS           | T/TWP=TOWNSHIP        | PT=POINT OF TANGENCY        | PE=PROFESSIONAL ENGINEER         |
| L=LENGTH           | I.D=IDENTIFICATION    | PI=POINT OF INTERSECTION    | ORB=OFFICIAL RECORD BOOK         |
| CH=CHORD           | (R)=RECORD            | PB=PLAT BOOK                | FFE=FINISH FLOOR ELEVATION       |
| TB=TANGENT BEARING | (F)=FIELD MEASURED    | PG=PAGE                     | (NR)=NON-RADIAL                  |
| CB=CHORD BEARING   | U.E.=UTILITY EASEMENT | POB=POINT OF BEGINNING      | (RAD)=RADIAL                     |
| R/W=RIGHT OF WAY   |                       | POC=POINT OF COMMENCEMENT   | A/C=AIR CONDITIONER UNIT         |
| q = CENTER LINE    |                       | MB=MAP BOOK                 |                                  |



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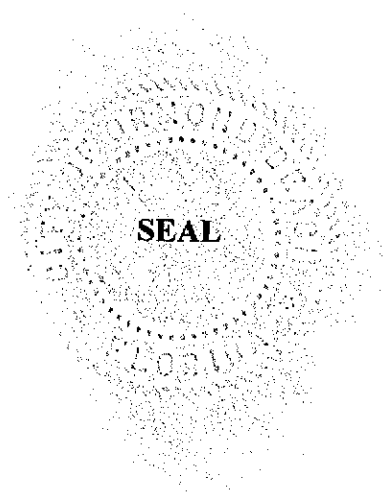
Instrument# 2005-178663 # 6  
Book : 5592  
Page : 4275  
Diane H. Matousek  
Volusia County, Clerk of Court


## CERTIFICATE

STATE OF FLORIDA  
COUNTY OF VOLUSIA  
CITY OF ORMOND BEACH

I, Veronica Patterson, as City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 2005-17 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 29th day of June 2005.



  
VERONICA PATTERSON  
City Clerk  
CITY OF ORMOND BEACH, FLORIDA