

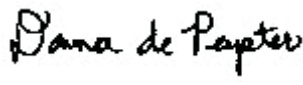



Date: 09/17/2019		AGENDA ITEM				Item: 10	
<input checked="" type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution		<input type="checkbox"/> Other	
County Goals							
<input checked="" type="checkbox"/>	Thriving Communities	<input type="checkbox"/>	Economic & Financial Vitality	<input checked="" type="checkbox"/>	Excellence In Government	<input type="checkbox"/>	NA
Department: Growth And Resource Management							
Division: Planning and Development Services							
Subject: Ordinance 2019-15, amending the boundaries of interlocal service boundary agreement with the City of Ormond Beach.							
Clay Ervin Director Growth and Resource Management  Department Approval				Legal Michael A. Rodriguez Assistant County Attorney  Approved as to Form and Legality		County Manager's Office Donna de Peyster Deputy County Manager 	
Palmer Panton Director Planning and Development  Division Approval							
Council Action:							
Modification:							
Account Number(s): NA							
Total Item Budget: NA							
Staff Contact(s):				Phone:		Ext.	
Clay Ervin				386 822 5013		12000	
Palmer M. Panton				386 736 5959		12736	
Susan Jackson				386 736 5959		12010	
Summary/Highlights:							
<p>In August 2014, the City of Ormond Beach and the county entered into an interlocal service boundary agreement (ISBA) whereby the city may pursue annexation of properties within a designated municipal service area (MSA) that have been identified as logical candidates for future urbanized development. These properties may or may not be contiguous to the city. The 2014 agreement also established responsibilities for municipal services and permitting, a mechanism for dispute resolution, and clarified jurisdiction of thoroughfare and non-thoroughfare roads. The agreement was approved with an initial term of ten years, to be reviewed at the end of the fifth year by both the city and county.</p> <p>The city has requested to expand the agreement boundaries to include the Plantation Oaks subdivision and surrounding areas. The city, which also serves as the utility provider, intends to annex the subdivision upon approval of the amended agreement. The expansion area is</p>							

depicted on Maps 1 and 2 attached to the First Amendment to Interlocal Service Boundary Agreement Between the City of Ormond Beach and the County of Volusia. There are no other proposed changes to the agreement.

Staff has determined the proposed amendment to be a logical expansion of the agreement boundaries and has made no objection to the city request. The city approved the amendment on August 7, 2019, and adopted its ordinance 2019-19 for the agreement on August 20, 2019.

ATTACHMENT:

Ordinance 2019-15 with Agreement
City of Ormond Beach Request Letter

Recommended Motion: Adoption.

ORDINANCE 2019-15

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING ORDINANCE 2014-12 INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE COUNTY OF VOLUSIA, FLORIDA AND THE CITY OF ORMOND BEACH, FLORIDA BY AMENDING THE BOUNDARY OF THE MUNICIPAL SERVICE AREA; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city commission of the City of Ormond Beach approved the Interlocal Service Boundary Agreement on August 19, 2014, and the county council of Volusia County approved the Interlocal Service Boundary Agreement (hereinafter referred to as the "Agreement") on August 21, 2014; and

WHEREAS, paragraph 13 of the Agreement provides that either the city or the county may offer an amendment to the Agreement, the proposed amendment shall be in writing, and must be approved by a majority of the governing bodies of the city and county respectively; and

WHEREAS, the city commission of the City of Ormond Beach approved the proposed amendment to the Agreement on August 7, 2019 and adopted Ordinance 2019-19 on August 20, 2019; and

WHEREAS, the county council finds that the amended Interlocal Service Boundary Agreement will serve the best interests and welfare of the citizens of Volusia County.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION I: The foregoing recitals are incorporated herein by reference.

SECTION II: The county council hereby approves the amendment to the Interlocal Service Boundary Agreement attached hereto as Exhibit "A", and authorizes and directs the execution of the Agreement, and all documents required by the Agreement, by the county chair and county manager.

SECTION III: The executed Amendment to the Interlocal Service Boundary Agreement shall be recorded and filed with the clerk of court for Volusia County Circuit Court, in accordance with Section 163.01(11), Florida Statutes.

SECTION IV: This ordinance, and the Amendment to the Interlocal Service Boundary Agreement attached hereto as Exhibit "A", have been approved in accordance with Section 171.203(14), Florida Statutes.

SECTION V: SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

1 **SECTION VI:** CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict
2 herewith are, to the extent of such conflict, repealed.

3
4 **SECTION VII:** EFFECTIVE DATE. This ordinance shall take effect upon electronic filing
5 of a certified copy with the Department of State.
6

7 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
8 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
9 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS
10 17th DAY OF SEPTEMBER, 2019.
11

12
13 ATTEST:
14

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

15 _____
16 George Recktenwald
17 County Manager
18

Ed Kelley
County Chair

**FIRST AMENDED
INTERLOCAL SERVICE BOUNDARY AGREEMENT
BETWEEN THE CITY OF ORMOND BEACH AND COUNTY OF VOLUSIA**

This First Amended Interlocal Service Boundary Agreement (“First Amended Agreement”) is made and entered into this ___ date of _____, 2019 by and between the City of Ormond Beach (“City”) and County of Volusia (“County”), sometimes herein referred to as “Party” or “Parties” as the context requires.

WHEREAS, the City and County entered into an Interlocal Service Boundary Agreement, inclusive of a Planning and Service Delivery Sub-Agreement, dated August 28, 2014 and recorded in Official Records Book 7026, Pages 876 et. seq., Public Records of Volusia County, Florida (“2014 ISBA”); and

WHEREAS, the 2014 ISBA established a Municipal Service Area (“MSA”) and Joint Planning Area (“JPA”) as depicted on Map 1 thereto; and

WHEREAS, the City and County desire to amend the 2014 ISBA for the purpose of expanding the boundaries of the MSA and JPA; and

WHEREAS, the 2014 ISBA authorizes amendments to the agreement based upon the mutual consent of the Parties; and

WHEREAS, this First Amended Agreement is entered into in accordance with the authority provided by Article VIII of the Florida Constitution, and Chapters 125, 163, 166, 171 and 180 of the Florida Statutes, as well as the 2014 ISBA.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this First Amended Agreement, the receipt and sufficiency of which are hereby acknowledged, the City and the County agree as follows:

1. The foregoing recitals are incorporated herein and are a material part of this First Amended Agreement.

2. The MSA and JPA as shown and depicted on Map 1 of the 2014 ISBA is hereby modified and enlarged to include the area shown and depicted on Map 2 to this First Amended Agreement.

3. The terms and conditions of the 2014 ISBA as recorded in Official Records Book 7026, Pages 876 et. seq., Public Records of Volusia County, Florida, are hereby restated and incorporated herein and remain in full force and effect. Every reference to Map 1 in the 2014 ISBA shall be construed to also include the expanded MSA and JPA depicted in Map 2 to this First Amended Agreement.

4. The governing bodies of the City and County shall approve this First Amended Agreement by ordinance, consistent with the manner of adoption of the 2014 ISBA.

5. This First Amended Agreement shall become effective upon being filed and recorded with the Clerk of the Circuit Court of Volusia County, Florida.

IN WITNESS WHEREOF, each of the undersigned has executed this First Amended Agreement on behalf of the respective party set forth below, pursuant to the authority granted to each of the undersigned in the ordinance by which each party approved and adopted this First Amended Agreement.

ATTEST:

COUNTY OF VOLUSIA

George Recktenwald
County Manager

Ed Kelley
County Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Ed Kelley and George Recktenwald, as County Chair and County Manager, respectively, on behalf of the County of Volusia, who acknowledge that they are duly authorized to execute the foregoing Agreement on behalf of the County. They are personally known to me.

NOTARY PUBLIC

ATTEST:

CITY OF ORMOND BEACH

Joyce Shanahan
City Manager

Bill Partington
Mayor

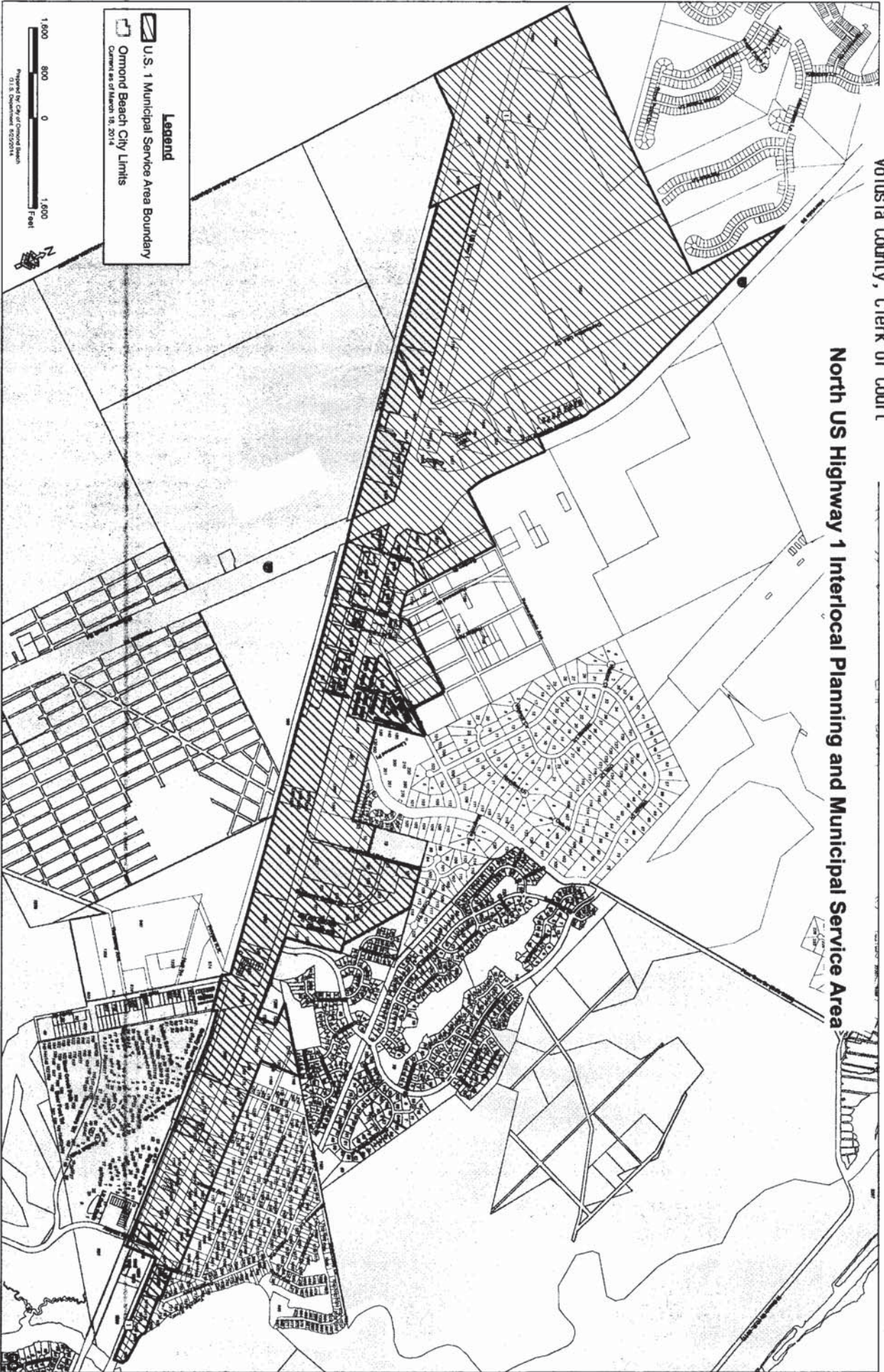
STATE OF FLORIDA
COUNTY OF VOLUSIA

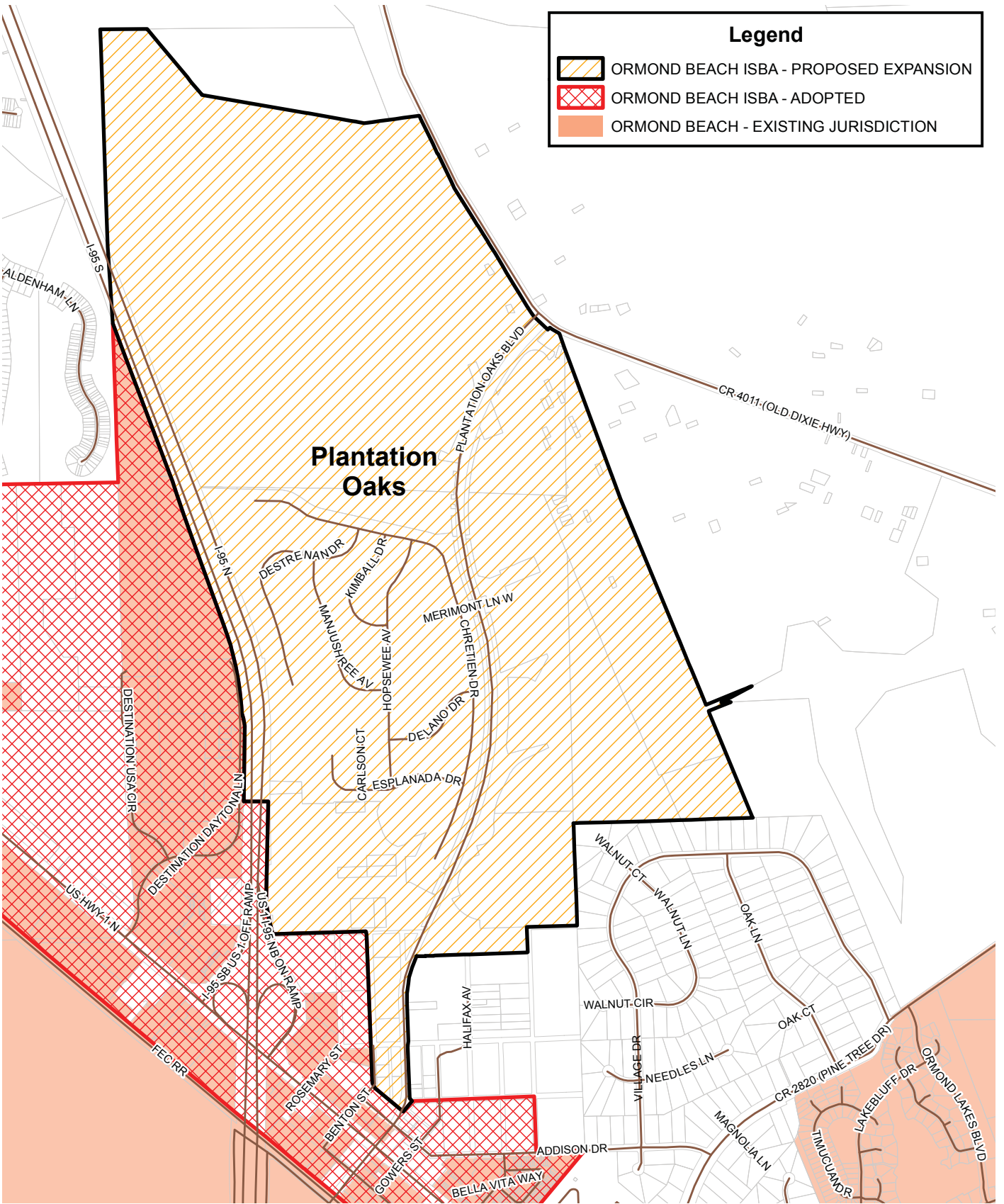
The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Bill Partington and Joyce Shanahan, as Mayor and City Manager, respectively, on behalf of the County of Volusia, who acknowledge that they are duly authorized to execute the foregoing Agreement on behalf of the County. They are personally known to me.

NOTARY PUBLIC

Instrument# 2014-155369 # 20
Book : 7026
Page : 895
Diane M. Matousek
Volusia County, Clerk of Court

North US Highway 1 Interlocal Planning and Municipal Service Area





Legend

- ORMOND BEACH ISBA - PROPOSED EXPANSION
- ORMOND BEACH ISBA - ADOPTED
- ORMOND BEACH - EXISTING JURISDICTION



**ORMOND BEACH ISBA
PLANTATION OAKS ADDITION - MAP 2**

Prepared By: The City of Ormond Beach
G.I.S. Department - June 5, 2019

N
W E
S

1 inch = 1,600 feet



CITY OF ORMOND BEACH

City Manager 22 S. Beach St. Ormond Beach, FL 32174 (386) 676-3200 Fax: (386) 676-3384

March 20, 2019

Mr. George Recktenwald, County Manager
123 West Indiana Avenue, Room 301
Deland, FL 32720

Re: Annexation of Plantation Oaks and Interlocal Service Boundary Agreement

Dear Mr. Recktenwald:

This letter is being provided pursuant to your letter dated January 4, 2019, and Volusia County staff's request that the North U.S. 1 Interlocal Service Boundary Agreement (ISBA) be amended to resolve Volusia County's concern with the annexation of the Plantation Oaks project. As you may recall, the City of Ormond Beach was asked to provide water and sewer service to the Plantation Oaks subdivision after Volusia County was identified previously as the utility provider. City staff has work to provide utility service and coordinate the project with both the project developer and Volusia County staff. City staff was surprised to learn, as a condition of the annexation, of the requirement to take the maintenance responsibility of a road (Plantation Oaks Boulevard) that connects a Volusia County roadway (Beach Street/Old Dixie Highway) and a state roadway (U.S. Highway 1). City staff was not previously made aware of this condition and was not provided any opportunities to review or inspect the roadway installation.

In order to resolve the concerns identified in your letter dated January 4, 2019, the City shall consent to the amendment of the ISBA and the resulting maintenance requirements of Plantation Oaks Boulevard. This letter is the City of Ormond Beach's request to Volusia County to amend the North U.S. 1 Interlocal Service Boundary Agreement to include the land area of the Plantation Oaks development. It is City staff's understanding, based on communication received from County staff, that Volusia County shall draft the amendment to include the land area shown in the map and property owners attached. The amendments would then be adopted by Volusia County and the City of Ormond Beach and each party would amend their Comprehensive Plan to include this amendment within six (6) months.

City staff is seeking to complete the ISBA amendment and annexation of the Plantation Oaks development as soon as possible. The efforts of Volusia County staff to expedite the ISBA amendment and annexation as indicated in your January 4, 2019, letter are appreciated. It is my understanding that with this letter the drafting of the ISBA



amendment shall commence with Volusia County staff. Please contact me if there are any questions or items that require additional discussion.

Sincerely,



Joyce A. Shanahan
City Manager

Attachments:

Attachment 1: Area of ISBA amendment

Attachment 2: Property Owners within the ISBA amendment area




cc: Mayor Partington and City Commissioners

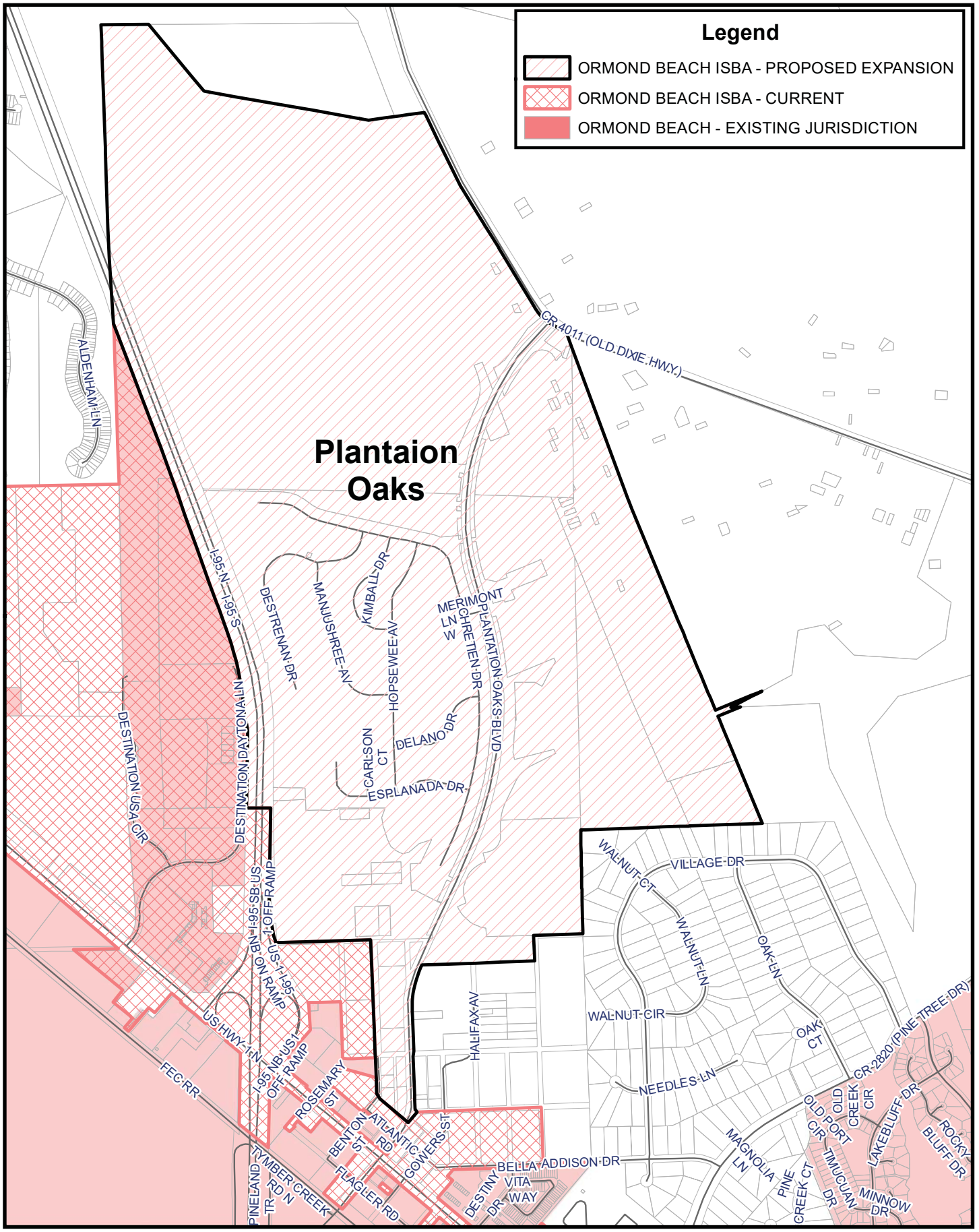
R. Hayes, City Attorney

G. Menendez, Public Works Director

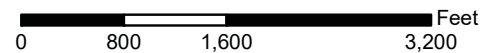
S. Spraker, Planning Director

Legend

-  ORMOND BEACH ISBA - PROPOSED EXPANSION
-  ORMOND BEACH ISBA - CURRENT
-  ORMOND BEACH - EXISTING JURISDICTION



Disclaimer:
 This map is intended only to be a visual representation and should not be used for the making of accurate measurements, or for engineering purposes. The County of Volusia is not responsible for outcomes of decisions made on the basis of this map.



Customized map prepared by:
 Volusia County Growth & Resource Management - Graphics

Note: Due to variations in printer settings, this scale may not provide accurate measurements.

List of ISBA Property owners - Attachment 2, page 1 of 2

ALTKY PID	LUCDESC	OWNER1	OWNER2	CAREOF	MAILING ADDRESS	MAIL CITY	MAIL STATE	MAIL ZIP	LOCATION ADDRESS
2469552	312500000010	Vacant Acreage, Not Agri	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	PLANTATION OAKS BLVD
2469561	312501690010	Vacant Acreage, Not Agri	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	PLANTATION OAKS BLVD
2469579	312501720020	Vacant Residential	VALCIK JERRY ALBERT	VALCIK LINDA CAROLE	236 ORMWOOD DR	ORMOND BEACH	FL	32176	PENNSYLVANIA AV
2469587	312501720040	Vacant Residential	PLANTATION OAKS OF ORMOND BCH		PO BOX 1626	ORMOND BEACH	FL	32175	PENNSYLVANIA AV
2469595	312501720080	Vacant Residential	PLANTATION OAKS OF ORMOND BCH		PO BOX 1626	ORMOND BEACH	FL	32175	HAMMOND ST
2469609	312501720090	Vacant Residential	GREENE ANDREW		11921 TEE TIME CIR	NEW PORT RICHER FL	FL	34654	HAMMOND ST
2469617	312501720380	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	ROSEMARY ST
2469625	312501720440	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	ROSEMARY ST
2469633	312502740010	Vacant Acreage, Not Agri	PLANTATION OAKS OF ORMOND	BEACH I LLC	PO BOX 1626	ORMOND BEACH	FL	32175	2380 CHRETIEN DR
2469811	313601070010	Vacant Residential	WOODRICH DEBORAH		240 RODEO RD	ORMOND BEACH	FL	32174	BENTON ST
2470020	313601340020	Vacant Residential	GENTRY CATHY GORE		251 MORNINGSIDE AVE	DAYTONA BEACH	FL	32118	1119 BENTON ST
2470038	313601340280	Single Family	LEHMAN THOMAS P		1135 BENTON ST	ORMOND BEACH	FL	32174	1135 BENTON ST
2975521	323000000010	Vacant Acreage, Not Agri	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	PLANTATION OAKS BLVD
2989882	323902920090	Vacant Residential	PLANTATION OAKS OF ORMOND BEACH LLC		PO BOX 1626	ORMOND BEACH	FL	32175	SAN DOMINGO (PAPER) DR
2989891	323902950130	Vacant Residential	CAMILLUCCI GEORGE	% DAVID R PRENTICE	9 WHITNEY CIRCLE	EAST LYME	CT	06333	LUENGA (PAPER) ST
2989904	323902950150	Vacant Residential	PLANTATION OAKS OF ORMOND BEACH LLC		PO BOX 1626	ORMOND BEACH	FL	32175	KINGS (PAPER) HWY
2989912	323902950160	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	P O BOX 1626	ORMOND BEACH	FL	32175	KINGS (PAPER) HWY
2989921	323902950210	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	JUSTICA (PAPER) ST
2989939	323902960020	Vacant Residential	PLANTATION OAKS OF ORMOND BCH		PO BOX 1626	ORMOND BEACH	FL	32175	LUENGA (PAPER) ST
2989947	323902960110	Vacant Residential	CRITCHLOW JOHN D	% JOHN D BROWN	175 N LOCUST	MANTENO	IL	60950	OLD DIXIE HWY
2989955	323902960160	Sewage Disposal, Solid Waste	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	DESOTO ST
2989963	323902960170	Sewage Disposal, Solid Waste	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	DESOTO ST
2989980	323903000040	Vacant Residential	PLANTATION OAKS OF ORMOND BCH		PO BOX 1626	ORMOND BEACH	FL	32175	ORVETO (PAPER) ST
2989998	323903000110	Sewage Disposal, Solid Waste	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	ORVETO (PAPER) ST
2990007	323903000180	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	ELCHE (PAPER) AV
2990015	323903000260	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	ELCHE (PAPER) AV
2990023	323903010050	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	PERUGIA (PAPER) ST
2990031	323903010080	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	P O BOX 1626	ORMOND BEACH	FL	32175	PERUGIA (PAPER) ST
2990040	323903010090	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	PERUGIA (PAPER) ST
2990058	323903020240	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	PERUGIA (PAPER) ST
2990066	323903030230	Vacant Residential	PLANTATION OAKS OF ORMOND BCH		PO BOX 1626	ORMOND BEACH	FL	32175	PERUGIA (PAPER) ST
2990091	323903070100	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LC	PO BOX 1626	ORMOND BEACH	FL	32175	BAYAMO (PAPER) AV
2990163	323903170130	Vacant Residential	GRAVIES JESSIE M	% RECHARD HADDAWA Y	PO BOX 2890	ORMOND BEACH	FL	32175	SAN REMO (PAPER) ST
6304351	312400000020	Vacant Acreage, Not Agri	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	SEGOVIA (PAPER) ST
6304441	323901010011	Vacant Acreage, Not Agri	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	2602 OLD DIXIE HWY
6304459	324001010060	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	OLD DIXIE HWY
6577412	313601210050	Vacant Residential	CASOLI CARY		209 ROUTE 6A	ORMOND BEACH	FL	32175	INDIANA AV
6814741	313601010021	Vacant Residential	NGT TRANSPORTATION LC		2249 OLD DIXIE HWY	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
6814767	313601010022	Vacant Residential	NGT TRANSPORTATION LC		2249 OLD DIXIE HWY	ORMOND BEACH	FL	32174	BENTON ST
7896079	312502740017	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	NO STREET
7896087	312502740018	Vacant Residential	PLANTATION OAKS OF ORMOND	BEACH LLC	PO BOX 1626	ORMOND BEACH	FL	32175	NO STREET
8004509	312508000001	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH HOMEOWNERS ASSOCIATION INC		131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD

List of ISBA Property owners - Attachment 2, page 2 of 2

8004510	312508000002	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	31 BUSINESS CENTER DRIVE B1	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004511	312508000003	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004512	312508000004	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004513	312508000005	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004514	312508000006	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004515	312508000007	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004516	312508000008	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004517	312508000009	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004518	312508000010	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004519	312508000011	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004520	312508000012	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004521	312508000013	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004522	312508000014	Vacant Commercial	PLANTATION OAKS OF ORMOND BEACH:HOMEOWNERS ASSOCIATION INC	131 BUSINESS CENTER DRIVE B	ORMOND BEACH	FL	32174	PLANTATION OAKS BLVD
8004523	312508000015	County	COUNTY OF VOLUSIA	123 W INDIANA AVE ROOM 103	DELAND	FL	32720	PLANTATION OAKS BLVD
8004524	312502740020	Utilities	CITY OF ORMOND BEACH	22 S BEACH ST	ORMOND BEACH	FL	32174	CHRETIEN DR



RECEIVED
JAN 11 2019
CITY MANAGERS OFFICE

ED KELLEY
COUNTY CHAIR

DEBORAH DENYS
VICE CHAIR
DISTRICT 3

JOYCE M. CUSACK
AT-LARGE

PAT PATTERSON
DISTRICT 1

BILLIE WHEELER
DISTRICT 2

HEATHER POST
DISTRICT 4

DR. FRED LOWRY
DISTRICT 5

GEORGE RECKTENWALD
INTERIM COUNTY MANAGER

January 4, 2019

Ms. Joyce Shanahan, City Manager
City of Ormond Beach
22 South Beach Street
Ormond Beach, Florida 32174

Subject: Annexation of Plantation Oaks

Dear Joyce:

Happy New Year to you, the elected officials and your staff.

I received the notice sent by the City of Ormond Beach regarding the proposed annexation of the Plantation Oaks development and reviewed it with staff from the County Attorney's office, Public Works Department and Growth & Resource Management Department. There is a concern with the annexation since it results in the creation of enclaves. There will be properties within the jurisdiction of Volusia County that will be surrounded by the Plantation Oaks development resulting in enclaves, which is prohibited under section 171.044 Florida Statutes. Additionally, there are properties west of Plantation Oaks Boulevard/Broadway Avenue that will remain in the jurisdiction of Volusia County, but can only be accessed through Ormond Beach if the annexation is approved. Please see the attached map for clarification. Both of these conditions are not allowed under state law, and could warrant a legal challenge by the County of the City's proposed voluntary annexation, but there may be a simple solution.

The Volusia County Council is supportive of efforts by cities to annex the urbanized areas within their utility service area and want to assist the City of Ormond Beach with the annexation of the Plantation Oaks development. We believe that this can be addressed through an amendment to the Interlocal Service Boundary Agreement (ISBA). This agreement includes provisions that allow for the annexation of properties that may result in the creation of an enclave. We are willing to work with you and your staff to amend the ISBA to include the enclaves that would be created by the proposed annexation. We will need to work out the timing of the amendment to the ISBA since it should be amended prior to or concurrent with the annexation hearings.

123 West Indiana Avenue, Room 301 • DeLand, FL 32720-4612
Tel: 386-740-5133 • FAX: 386-943-7020

www.volusia.org

Ms. Joyce Shanahan

January 4, 2019

Page 2 of 2

I need to point out a standard requirement that is included in all of the ISBA's approved by Volusia County, including the one with Ormond Beach (attached). The city and county agreed that there would be the transfer of all non-thoroughfare roads to the city once more than 51% of the road frontage has been annexed into the city. Plantation Oaks Boulevard is not a designated thoroughfare road (see attached map) so if the ISBA is amended to allow for the annexation of Plantation Oaks it would be subject to ~~that condition~~. We believe that once Plantation Oaks is annexed the frontage along Plantation Oaks Boulevard will exceed 51% within the jurisdiction of the City of Ormond Beach. This would trigger the requirement that Ormond Beach take ownership and maintenance of Plantation Oaks Boulevard.

My staff and I are committed to assist the city staff with the amendment to the ISBA and look forward to working out a successful outcome to this situation. Please contact me if you wish to meet to review the changes that are needed to the ISBA and to set a schedule to expedite the processing of the amendment and the annexation.

Sincerely,



George Recktenwald
Interim County Manager

cc: Volusia County Council
Dan Eckert, County Attorney
Donna de Peyster, Deputy County Manager
Jamie Seaman, Deputy County Attorney
Michael Rodriguez, Assistant County Attorney
John Angiulli, Public Works Director
Clay Ervin, Growth & Resource Management Director

Attachments: Annexation Map
Interlocal Service Boundary Agreement
Volusia County Thoroughfare Map