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ORDINANCE 2022-9

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF A SECOND AMENDED INTERLOCAL SERVICE BOUNDARY AGREEMENT REGARDING THE NORTH U.S. 1 JOINT PLANNING AND MUNICIPAL SERVICE AREA BETWEEN THE COUNTY OF VOLUSIA, FLORIDA, AND THE CITY OF ORMOND BEACH, FLORIDA; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Interlocal Service Boundary Act, Chapter 171, part II, Florida Statutes, the City Commission of the City of Ormond Beach approved Resolution 2010-131 (Initiating Resolution) on September 7, 2010, and the County Council of the County of Volusia approved Resolution No. 2010-05 (Responding Resolution) on October 7, 2010, identifying certain issues along the North U.S. 1 corridor; and

WHEREAS, the City Commission approved the Interlocal Service Boundary Agreement (2014 ISBA) regarding certain lands along the N. U.S. Highway 1 corridor on August 19, 2014, and the County Council approved the ISBA on August 21, 2014, through Ordinance 2014-12, and recorded in Official Records Book 7026, Pages 876; 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 of Ormond Beach and County of Volusia authorized the First Amended Interlocal Service Boundary Agreement between the City of Ormond Beach and County of Volusia, dated August 20, 2019, and recorded in Official Records Book 7758, Pages 4680, et. seq. of the Public Records of Volusia County Florida; and

WHEREAS, the City and the County desire to amend the 2014 ISBA and the First Amended Interlocal Service Boundary Agreement for the purpose of expanding the boundaries of the MSA and JPA; and

WHEREAS, the City, on December 7, 2021, enacted City of Ormond Beach Ordinance No. 2021-43, approving the Second Amended Interlocal Service Boundary Agreement; and

WHEREAS, the County Council determines that approval of the Second Amended Interlocal Service Boundary Agreement will serve the best interests and welfare of the general public.

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

3
4 (Words in ~~strike-through~~ type are deletions; words in underscore type are
5 additions.)

6
7 **SECTION I:** The foregoing recitals are incorporated herein by reference as the
8 legislative findings of the County Council of the County of Volusia.

9 **SECTION II:** The County Council hereby approves the Second Amended Interlocal
10 Service Agreement, a copy of which is attached hereto and incorporated herein by reference,
11 and authorizes the Chair and/or County Manager to execute the same.

12 **SECTION III:** The Council further authorizes and directs all necessary and appropriate
13 action to amend the County's comprehensive plan as required by section 171.203(9).

14 **SECTION IV:** The executed Second Amended Interlocal Service Agreement shall be
15 recorded and filed with the clerk of court for Volusia County Circuit Court, in accordance with
16 Section 163.01(11), Florida Statutes.

17 **SECTION V:** This ordinance, and the Second Amended Interlocal Service Agreement
18 attached hereto, have been approved in accordance with Section 171.203(14).

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

24 **SECTION VII: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in conflict
25 herewith are, to the extent of such conflict, repealed.

26 **SECTION VIII: EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing
27 of a certified copy with the Department of State.

1 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
2 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
3 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA,
4 THIS 15th DAY OF February, 2022.
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7
8 ATTEST:

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

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13 _____
14 George Recktenwald
15 County Manager

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Jeffrey S. Brower
County Chair



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

This Second Amended Interlocal Service Boundary Agreement (“Second Amended Agreement”) is made and entered into this 15th date of March, ~~2021~~ 2022 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 of Ormond Beach and County of Volusia, authorized the First Amended Interlocal Service Boundary Agreement between the City of Ormond Beach and County of Volusia, dated August 20, 2019 and recorded on Official Records Book 7758, Pages 4680, et. seq, of the Public Records of Volusia County, Florida; and

WHEREAS, the City and County desire to amend the 2014 ISBA and the 2019 First Amended Interlocal Service Boundary Agreement 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 Second 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 Second Amended Agreement, the receipt and sufficiency of which are hereby acknowledged, the City and the County agree as follows:

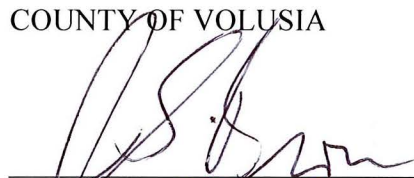
1. The foregoing recitals are incorporated herein and are a material part of this Second Amended Agreement.
2. The MSA and JPA as shown and depicted on Map 1 of the 2014 ISBA and amended with Map 2 of the 2019 First Amended Interlocal Service Boundary Agreement is hereby modified and enlarged to include the area shown and depicted on Map 3 to this Second 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 and Map 2 of the 2019 First Amended Interlocal Service Boundary Agreement shall be construed to also include the expanded MSA and JPA depicted in Map 3 to this Second Amended Agreement.
4. The governing bodies of the City and County shall approve this Second Amended Agreement by ordinance, consistent with the manner of adoption of the 2014 ISBA.
5. This Second 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 Second 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 Second Amended Agreement.

ATTEST:

COUNTY OF VOLUSIA

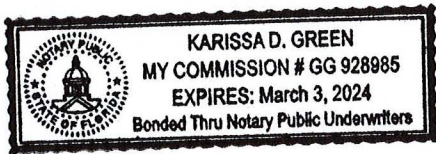

George Recktenwald
County Manager



Jeff Brower Jeffrey S. Brower
County Chair



STATE OF FLORIDA
COUNTY OF VOLUSIA


Jeffrey S. The foregoing instrument was acknowledged before me this 15th day of March, 2021, by Jeff Brower 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:

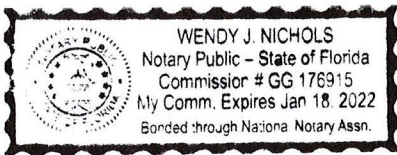
CITY OF ORMOND BEACH


Joyce Shanahan
City Manager


Bill Partington
Mayor

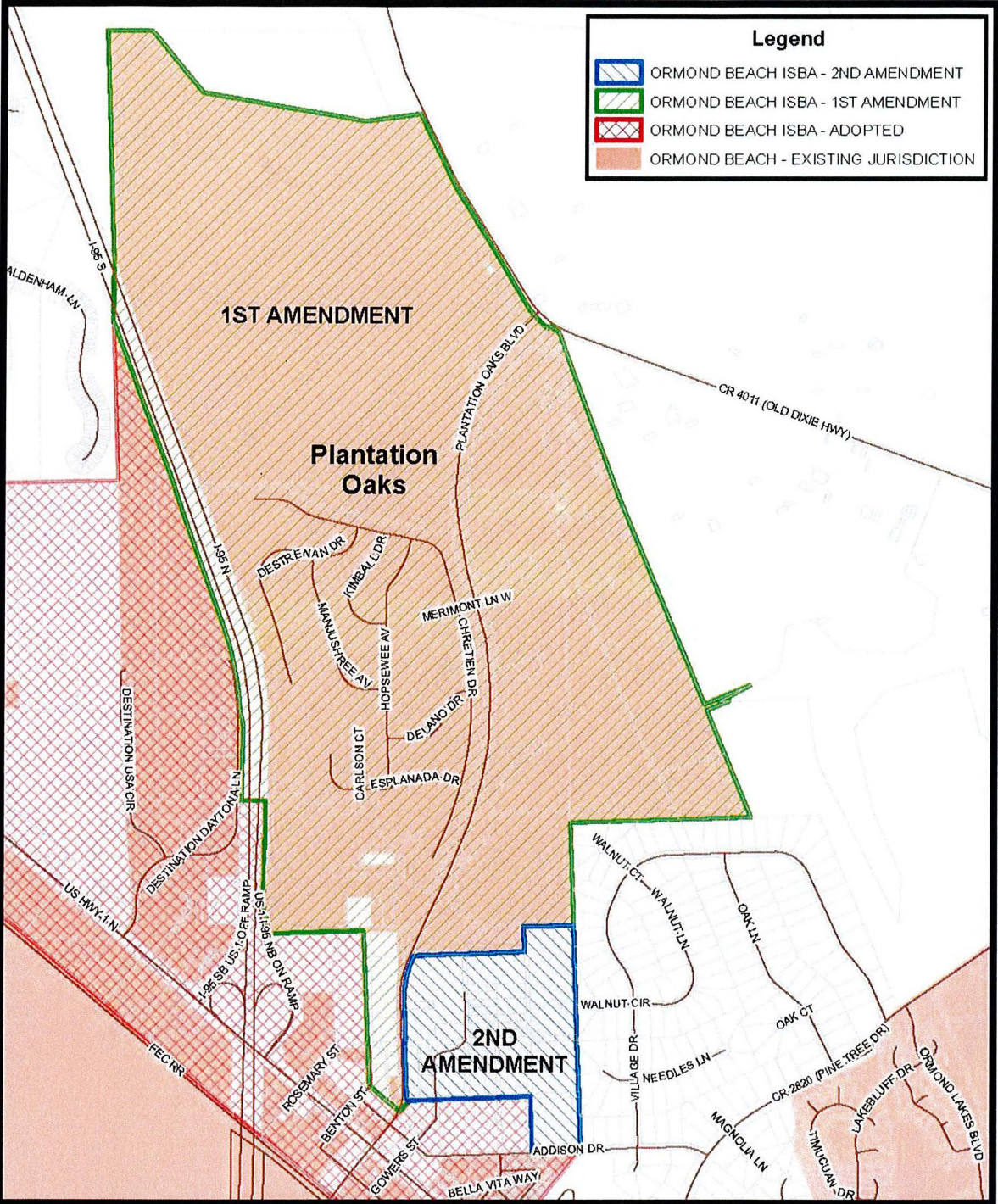
STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 7 day of Dec, 2021, by Bill Partington and Joyce Shanahan, as Mayor and City Manager, respectively, on behalf of the City of Ormond Beach, who acknowledge that they are duly authorized to execute the foregoing Agreement on behalf of the City. They are personally known to me.



Wendy J. Nichols
NOTARY PUBLIC

MAP 3



**ORMOND BEACH ISBA
RIDGE HAVEN ADDITION**

Prepared By: The City of Ormond Beach
G.I.S. Department - September 28, 2021

