

ORDINANCE 2018-03

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO THE SALE OF CITY REAL ESTATE LOCATED AT 1906 South ATLANTIC AVENUE; ADOPTING EXHIBITS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2.18 (d) (6) of the *City Charter of the City of Daytona Beach Shores* provides as follows:

...

(d). In addition to acts required by law or by specific provision of this Charter to be done by ordinance, the following actions of the City Council shall be by ordinance:

...

(6). To convey or lease lands of the City.

...

; and

WHEREAS, an opportunity has become apparent relative to the sale of the real property owned by the City which property is addressed as 1906 South Atlantic Avenue and assigned Volusia County Parcel Identification Number: 5316-06-00-0010 (Short)/16-15-33-06-00-0010 (Full) by the Volusia County Property Appraiser (see attached Exhibit - Volusia County Property Appraiser Web site data sheet printouts); and

WHEREAS, the said property owned by the City is not necessary for any City purpose at the present time or within the reasonably foreseeable future; and

WHEREAS, the terms and conditions of the sale, as set forth in the attached purchase and sale agreement are favorable to the City; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of Daytona Beach Shores as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law to include, but not be limited to, the *City Charter*.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Council.

(b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

SECTION TWO. SALE OF CITY PROPERTY.

The City Council hereby authorizes the sale of the property referenced in the recitals hereto and the exhibits hereto in accordance with the terms and conditions set forth therein.

SECTION THREE: SAVINGS; EFFECT OF ORDINANCE.

The prior actions of the City of Daytona Beach Shores in terms of the matters relating to the management and disposition of City real property are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION; SCRIVENER'S ERRORS.

(a). The provisions of this Ordinance shall not be codified in the *Code of Ordinances of the City of Daytona Beach Shores*.

(b). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION FIVE: CONFLICTS.

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

HARRY JENNINGS, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

LONNIE GROOT, CITY ATTORNEY

Passed on first reading this 27th day of March, 2018.

Adopted on second reading this 10th day of April, 2018.