



PORT ORANGE CITY COUNCIL AND THE
COMMUNITY REDEVELOPMENT AGENCY
FOR PORT ORANGE TOWN CENTER
SPECIAL MEETING AGENDA

COUNCIL CHAMBERS – 6:30 PM – CITY HALL
APRIL 19, 2022

A. OPENING

1. Roll Call

B. DISCUSSION/ACTION

2. Release of Mortgage on Caldwell Funeral Home Parcel in Riverwalk

C. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.



COMMUNITY REDEVELOPMENT AGENCY FOR PORT ORANGE TOWN CENTER

AGENCY MEETING DATE: 4/19/2022

SUBJECT: (B2) Release of Mortgage on Caldwell Funeral Home Parcel in Riverwalk

DEPARTMENT: City Attorney

RECOMMENDED MOTION:

CRA Motion:

Move to recommend approval of the City's Release of the Mortgage encumbering the property known as Cardwell with a Parcel ID of 6303-10-02-0030; authorize City Manager and City Attorney to finalize the release document and authorize Chairman and Agency Clerk to sign any necessary documents for completion of the release of the Cardwell property.

City Council Motion:

Move to approve the Release of the Mortgage encumbering the property known as Cardwell with a Parcel ID of 6303-10-02-0030; authorize City Manager and City Attorney to finalize the release document and authorize Mayor and City Clerk to sign all necessary documents for completion of the release of the Cardwell property.

SUMMARY: In 2009, the Port Orange Town Center Community Redevelopment Agency ("CRA") took out a mortgage on the Cardwell property (PARCEL ID 6303-10-02-0030) in favor of the City of Port Orange ("City") as a way to document the debt responsibility of the CRA. In 2016, the City and CRA entered into a Property Exchange Agreement ("Exchange Agreement") with Halifax River Partners, LLC ("HRP") where it was agreed that the CRA would convey the Cardwell property to HRP in exchange for completing the public trail and park between Ocean Avenue and Herbert Street, along with other certain site improvements. While HRP's project has taken longer than expected and the parties have amended the agreements, HRP has now completed its obligations as currently agreed and the City and CRA are moving forward with the closing to complete the conveyance of the Cardwell property to HRP, in accordance with the Property Exchange Agreement, as amended.

The value of the Cardwell property for purposes of the exchange is \$260,000.00. HRP constructed the segment of the public trail and park between Ocean Avenue and Herbert Street at a cost of approximately \$1,200,000.00 and conveyed said trail to the City.

In furtherance of completing the property exchange, the staff is requesting that the City and CRA agree to release the mortgage encumbering the Cardwell property. This does not release the CRA from its debt obligations to the City, but it is necessary to release

the Cardwell property as collateral for the debt owed in order for the City and CRA to fulfill their contractual commitments under the Property Exchange Agreement.

ATTACHMENTS:

1.	Release of Mortgage on Cardwell	Cardwell Release of Mortgage 2019 .pdf
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Robin Fenwick
Shannon Balmer
Tim Burman
John McKinney
Shannon Balmer
Wayne Clark
Robin Fenwick

Created -

This instrument prepared by:
Shannon K. Balmer, Assistant City Attorney
City of Port Orange
1000 City Center Circle
Port Orange, FL32129

Property Appraiser's Parcel ID No:
6303-10-02-0030

RELEASE OF MORTGAGE

KNOW ALL BY THESE PRESENTS: that **The Community Redevelopment Agency for Port Orange Town Center**, public body corporate politic established pursuant to Section 163.356, Florida Statutes, located in the City of Port Orange, State of Florida, County of Volusia, 1000 City Center Circle, Port Orange, FL 32129-4144, Mortgagor, by Mortgage recorded on November 6, 2009, in **Official Records Book 6415, Page 84**, of the public records of Volusia County, Florida ("Mortgage"), mortgaged certain real property to **The City of Port Orange**, a Florida Municipal corporation, Mortgagee; and

WHEREAS, the Mortgagor has requested the Mortgagee to release the property hereinafter described, from the lien and operation of the Mortgage.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Mortgagee does remise, release, quit-claim, exonerate and discharge from the lien and operation of the Mortgage unto the Mortgagor, its successors and assigns, that property conveyed by the Mortgage, more particularly described as follows:

The Westerly 316 feet of the Southerly $\frac{1}{2}$ of Lot 2, and the Westerly 316 feet of the Northerly $\frac{1}{2}$ of Lot 3, All in Block 2, HAND TRACT, Port Orange, Florida, according to the map or plat thereof, as recorded in Map Book 2, Page 185, Public Records, Volusia County, Florida, **EXCEPTING THEREFROM** that portion lying in U.S. Highway No. 1, as now established and in use. ("Released Property")

TO HAVE AND TO HOLD the same, with the appurtenances, unto the Mortgagor, its heirs and assigns forever, freed, exonerated and discharged of and from the lien and encumbrance of the Mortgage and Related Documents, and every part thereof; provided always, nevertheless, that nothing herein contained shall in anywise impair, alter or diminish the effect, lien or encumbrance of the aforesaid Mortgage on the remaining part of said mortgaged property not hereby released therefrom or any of the rights and remedies of the holder thereof.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the Mortgagee has caused these presents to be executed in its name, on this _____ day of _____, 2022.

Signed, sealed, and delivered in the presence of: Mortgagee: the **City of Port Orange**, a Florida Municipal corporation

1st Witness signature

By: _____
Donald O. Burnette, Mayor

Print name

Attest: _____
Robin L. Fenwick, MMC, City Clerk

2nd Witness signature

Print name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] or [___] online notarization this _____ day of _____, 2022, by Donald O. Burnette and Robin L. Fenwick, respectively as Mayor and City Clerk of the City of Port Orange, Florida on behalf of said entity. He/she is () personally known to me or () has produced _____ as identification.

Notary Public
My Commission Expires: