

City of South Daytona
Community Development Department

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3022 • Fax 386/322-3018



To: James L. Gillis Jr., City Manager
From: S. Laureen Kornel, Community Development Director
Date: July 14, 2023
Re: A request by Verso Sub III, property owner of the proposed SEAVIEW development, for a Lot Combination / Unity of Title Agreement to combine Parcels 5333-06-00-0010, 5333-06-00-0012, and 5333-06-00-0015 into a single legal parcel and legal description.

This is a request by Verso Sub III, a Florida limited liability company, who requests a Lot Combination / Unity of Title Agreement to combine all of the above-referenced properties into a single legal parcel and legal description.

This is a necessary step prior to construction to have all lots that comprise the development combined into one single property.

On March 14, 2023, the City adopted Ordinance No. 2023-03, amending and restating the Master Development Agreement for the subject properties to provide for major site plan changes; establishing principal uses as luxury Multi-family apartments with related accessory uses including restaurant with valet parking and marina. In accordance with Section 5.5(O)(2) of the Land Development Code, all land within the Planned Unit Development shall be under the ownership of the applicant. The requested Lot combination / Unity of Title agreement satisfies the Unity of Title requirement of the Land Development Code. Staff recommendations approval of the request for a Lot Combination / Unity of Title Agreement to combine all of the above-referenced properties into a single legal parcel and legal description.

Attachment: Lot Combination/Unity of Title Agreement

Prepared by/Return to:
Wade C. Vose
Vose Law Firm LLP
324 W. Morse Blvd.
Winter Park, FL 32789

LOT COMBINATION / UNITY OF TITLE AGREEMENT

THIS LOT COMBINATION / UNITY OF TITLE AGREEMENT (the "Agreement") is entered into on the date indicated below between Verso Sub III LLC, a Delaware limited liability company ("Owner"), and the City of South Daytona, a Florida municipal corporation ("City").

WITNESSETH:

WHEREAS, Owner is the current owner of the following described properties, sketches and descriptions of which are attached hereto as Exhibit A; and

WHEREAS, the Owner desires to combine all the above-described properties into a single legal parcel with a sketch and legal description attached hereto as Exhibit B; and

WHEREAS, the Owner's properties listed in Exhibit A are not the constitutional homestead of the Owner; and

WHEREAS, as of the date of the Agreement none of the Owner's properties listed in Exhibit A have any mortgage or any other liens of record, and Owner shall provide a letter to the City from an attorney licensed to practice law in Florida indicating that a public search was performed, the date of the public search and that no mortgages or other liens of record exist on the properties listed in Exhibit A.

NOW, THEREFORE, in consideration of the premises and other valuable consideration, it is agreed as follows:

1. The recitals set forth above are incorporated herewith and made part hereof by reference thereto, and Owner warrants the truth of such representations.
2. The properties listed in Exhibit A are hereby legally combined into a single legal parcel identified in Exhibit B. All existing lot lines for the properties listed in Exhibit A are hereby eliminated and all said properties shall be considered a single parcel for all purposes.
3. This Agreement shall be recorded in Public Records of Volusia County, Florida, by the Owner, shall be considered a covenant running with the land and shall be binding on the Owner and the heirs and assigns of the Owner. The City shall have legally standing and authority to enforce this Agreement. In the event of any litigation related to this Agreement, the prevailing party shall be entitled to be reimbursed reasonable attorney fees and costs and venue shall be in State Court, Volusia County, Florida.
4. By executing below the City hereby approves combining all the separate parcels in Exhibit A into a single parcel identified in Exhibit B.

5. Within 3 days after the recording of this Agreement, Owner shall submit to the Volusia County Property Appraiser an application to combine the parcels specified in Exhibit A into the single parcel specified in Exhibit B, shall diligently prosecute same to completion, and shall provide written notice to the City upon completion of the parcel combination by the Volusia County Property Appraiser.

IN WITNESS WHEREOF, the parties have executed this agreement on the ____ day of _____, 2023.

Witnesses:

City of South Daytona

Print Name: _____

By: _____

Title: _____

Print Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA


The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____ 2023, by _____ of the City of South Daytona, a Florida municipal corporation, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public

My commission expires:

Owner
Verso Sub III LLC,
a Delaware limited liability company

Print Name: _____

By: 

Title: managing member

Print Name: _____

Date: 6/30/2023

New Jersey
~~STATE OF FLORIDA~~
COUNTY OF Monmouth

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30th day of June 2023, by Nimrah Pate, as

Managing Member of Verso Sub III LLC, a Delaware limited liability company, who is personally known to me or who has produced drivers license as identification.

B. C. Nicolosi

Notary Public

Blaze C Nicolosi
NOTARY PUBLIC
State of New Jersey
ID # 50062903

My Commission Expires 6/29/2027



My commission expires:

Exhibit A

(Insert Legal Descriptions and Sketches)

Exhibit B

(Insert Combined Legal Description and Sketch)

LEGAL DESCRIPTION:

(AS CREATED BY MARK DOWST & ASSOCIATES, INC.)

PART OF LOT 1, HALIFAX RIVERSIDE PARK, AS RECORDED IN MAP BOOK 6, PAGE 212, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE SOUTHERLY LINE OF LOT 1, HALIFAX RIVERSIDE PARK, AS RECORDED IN MAP BOOK 6, PAGE 212, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH THE EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE (US. HIGHWAY NO. 1), HAVING A 100 FOOT RIGHT OF WAY AS PRESENTLY OCCUPIED; THENCE N22°10'49"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SOUTH RIDGEWOOD AVE, A DISTANCE OF 1019.19 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 1; SAID POINT ALSO BEING A POINT ON THE SOUTH LINE OF HALIFAX CENTER SUBDIVISION, AS RECORDED IN MAP BOOK 41, PAGE 189, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N89°34'54"E, ALONG SAID NORTH LINE OF LOT 1 AND THE SOUTH LINE OF HALIFAX CENTER SUBDIVISION, A DISTANCE OF 130.40 FEET TO THE EAST LINE OF THE WEST 163 FEET OF SAID LOT 1; SAID POINT ALSO BEING THE NORTHWEST CORNER OF DENE'S COVE, AS RECORDED IN MAP BOOK 45, PAGE 144, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S22°21'36"E, ALONG THE WEST LINE OF SAID DENE'S COVE AND THE EAST LINE OF SAID WEST 163 FEET OF LOT 1, A DISTANCE OF 400.90 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 400.00 FEET OF SAID LOT 1; THENCE N89°34'54"E ALONG SAID SOUTH LINE OF THE NORTH 400 FEET OF LOT 1, A DISTANCE OF 383.73 FEET, MORE OR LESS, TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER, HAVING AN ELEVATION OF 0.02 FEET (NAVD 88); THENCE SOUTHERLY ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 685 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF AFORESAID LOT 1, HALIFAX RIVER PARK; THENCE S89°29'39"W ALONG SAID SOUTH LINE, A DISTANCE OF 511.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH OF DESCRIPTION ONLY.
2. IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A SURVEY PREPARED BY THIS FIRM, PROJECT NO. 1533, DATED 07/14/22, AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
3. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH RIDGEWOOD AVENUE, AS BEING N22°10'49"W.
4. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
5. THE MEAN HIGH WATER ELEVATION OF -0.02 SHOWN HEREON WAS PROVIDED BY GARY TEW OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON 04/02/2021.

LEGEND AND ABBREVIATIONS:

±	MORE OR LESS
AC	ACRES
CL	CENTER LINE
EL.	ELEVATION
LB	LICENSED BUSINESS
M.B.	MAP BOOK
MHWL	MEAN HIGH WATER LINE
O.R.B.	OFFICIAL RECORDS BOOK
PG(S).	PAGE/PAGES
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY
SEC	SECTION-TOWNSHIP-RANGE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

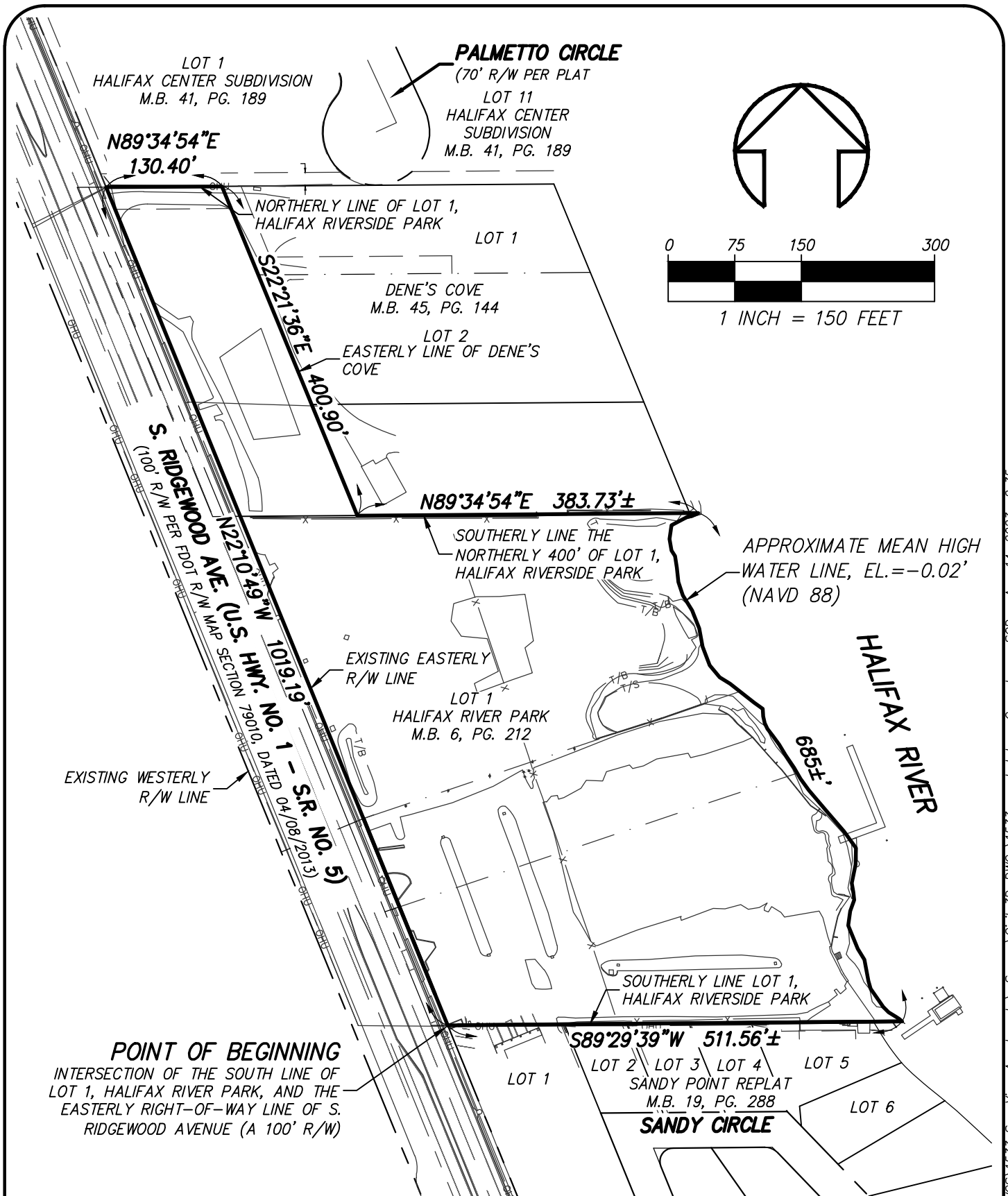
LEE H. DOWST. P.L.S. NO. 6860

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

 **MARK DOWST & ASSOCIATES, INC.**
 * ENGINEERS PLANNERS SURVEYORS LB#4335 *
 536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION		DRAW DATE: 08/14/23	SCALE: 1" = N/A	PROJECT # 1533
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD
			SHEET 1 OF 2	

Drawing name: V:\DWGS\1533-Sea View Apartments\Survey\Civil 3D-DWG\1533_sursketch - Copy.dwg SOD Aug 14, 2023 2:35pm



MARK DOWST & ASSOCIATES, INC.
 * ENGINEERS PLANNERS SURVEYORS LB#4335 *

536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION	DRAW DATE: 08/14/23	SCALE: 1" = 150'	PROJECT # 1533
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT
		CHECKED BY: LHD	SHEET 2 OF 2

Drawing name: V:\DWGS\1533 Sea View Apartments\Survey\Civil 3D-DWGS\1533_sursketch - Copy.dwg SOD Aug 14, 2023 2:35pm