

RESOLUTION NO. 18-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON THE CITY'S BEHALF, A LETTER OF NO OBJECTION/AUTHORIZATION OF PROPERTY OWNER, IN SUPPORT OF THE APPLICATION BY AVISTA PROPERTIES VII, LLC, FOR VOLUSIA COUNTY TO VACATE THE NORTHERN HALF OF HARVEY AVENUE BEACH APPROACH, EAST OF OCEAN AVENUE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission previously approved Resolution No. 17-407, approving a Vacant Land Contract providing for the City's sale of two adjoining City-owned parcels of real property, located at 39 and 45 S. Ocean Avenue, to Avista Properties VII, LLC ("Avista"); and

WHEREAS, these City-owned parcels adjoin a parcel of real property owned by Avista located immediately south of Breakers Oceanfront Park; and

WHEREAS, the Vacant Land Contract expressly requires that, prior to closing, Avista must obtain City approval of a proposed planned district ("PD") rezoning to develop a mixed use hotel project (the "Project") on the combined site formed by these City parcels and Avista's adjoining property (collectively, the "Project Site"), consistent with Avista's response to a request for proposals ("RFP") that the City had previously issued for the development of a mixed use hotel project south of Breakers Oceanfront Park (City RFP No. 0217-2150); and

WHEREAS, the Project would include extension of the public boardwalk along the project's beach frontage; and

WHEREAS, Avista has advised the City that Avista intends to apply to the County of Volusia to vacate the northern half of the Harvey Avenue beach approach east of Ocean Avenue, to enable Avista to use the vacated property as part of the Project; and

WHEREAS, Avista has also advised the City that Avista intends to improve the

remainder of the Harvey Avenue beach approach east of Ocean Avenue, including by providing improved vehicular and pedestrian access and upgraded landscaping; and

WHEREAS, Avista has requested that the City support Avista's request by filing a letter of no objection/authorization of property owner with the County; and

WHEREAS, the City Commission is willing to authorize the requested letter/authorization, subject to the conditions referenced below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The City Manager is hereby authorized to submit a Letter of No Objection and Authorization of Property Owner on the City's behalf, in conjunction with the application that Avista Properties VII, LLC, intends to file with the County of Volusia to vacate the northern half of the Harvey Avenue beach approach, east of Ocean Avenue, as described in the foregoing recitals. A copy of the Letter of No Objection and Authorization of Property Owner in substantially final form is attached hereto as Exhibit A.

SECTION 2. This Resolution shall take effect immediately upon its adoption.