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## Developer deal surprises Deltonans

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DELTONA -- Earlier this year, Deltona officials unveiled a plan to limit annexations for the next decade -- a "line-in-the-sand" proposal largely sparked by criticism of the city's growth policies.

But what they did not reveal -- and what some new city commissioners said they did not know about until this week -- is the behind-the-scenes negotiations to put a sewage-treatment plant on the rural side of the self-imposed annexation boundary.

Slow-growth activists, some county officials and newly elected city officials, including Mayor Dennis Mulder, were surprised by revelations that the city's then-manager, Fritz Behring, in July lined up a deal to get land for a sewage plant on a roughly 3,000-acre tract recently purchased by a major Central Florida developer.

Putting such a facility in the area, known as Osteen, "would make the area poised for megadevelopment. I think it would change the entire landscape of the area," said County Council member Bill Long, whose district includes Deltona and southwest Volusia.

Officials with Maury L. Carter & Associates paid about \$12 million for the property of about 3,000 acres. The deal is one of at least three multimillion-dollar land transactions just outside Deltona in a little more than a year -- deals that have sparked fears of possible mega-annexations and large-scale developments in rural areas prized for open spaces and environmental qualities.

The deal between Deltona and Daryl M. Carter, president of Maury L. Carter & Associates of Orlando, calls for the city to receive 30 acres for the treatment plant in exchange for a one-time \$500,000 discount on sewer impact fees that otherwise would have been generated by development of the roughly 3,000-acre parcel, which lies east of State Road 415.

"Good grief," said Deltona resident Jack Hoyt, a former member of the city's planning and zoning board who has opposed voluntary annexations. "The whole intent of this is to continue to do all the things necessary to develop these lands."

City Attorney Roland Blossom, who is the city's interim manager, said the city commissioners must approve the deal

before it becomes final, and no specific date is set for their consideration.

Behring, who resigned as Deltona's manager effective Dec. 1 to become manager of Clay County, couldn't be reached Friday.

`A real sweet deal'

Former Mayor John Masiarczyk knows all about the proposal, and he enthusiastically supports it, adding that he has talked publicly in general terms for years about the need for a sewage plant on the east side of this city of more than 80,000 residents.

In Deltona, where the vast majority of homes are still on septic tanks, the city's lone treatment plant, which is located on a side street off Providence Boulevard, is nearly at capacity.

The proposed new plant, described in city documents as having an initial capacity of a half-million gallons a day, is needed to serve commercial developments along S.R. 415 and new subdivisions, Masiarczyk said.

Proposals from city consultants estimate the eventual capacity of the plant at 3 million gallons per day, which is approximately enough to service 8,400 homes, according to estimates from the Florida Department of Environmental Protection.

Andrew Woodcock, a project manager for Tetra Tech, a consultant to the city, said someone at the city -- he wasn't sure whether it was Behring -- authorized a city-funded evaluation of the 30 acres to determine whether the property is suitable for a treatment plant. Woodcock said the study is under way, and he does not know when it will be completed.

He wasn't certain whether the cost of the study was \$21,500, which is within the manager's spending authority and is the amount listed on a proposal to the city.

According to Masiarczyk, the proposal with Carter is a good arrangement for the city because it locks in a value for the land at today's prices, even though it may be years before the city wants to build a plant, and because it allows payment in the form of a discount on sewer "impact" fees instead of cash.

"It was a real sweet deal for us," Masiarczyk said. He stepped down as the city's first mayor in November because of term limits.

Developer wants `win-win'

Carter said he wants to work with the community and local officials and that he's not in a rush to develop the property. "We're always looking for the win-win solutions. Sometimes, it takes time." Even though an application to annex the roughly 3,000 acres into Deltona was filed in February, the request has stalled because the property doesn't touch existing city boundaries.

The gap narrowed in November, during the last meeting of the previous City Commission, which approved two new annexations, including a 389-acre expansion east of State Road 415. That annexation, which the county is suing to overturn, pushes the eastern edge of the city less than a mile from Carter's property.

Carter said that a recent addition of about 300 acres gives the larger annexed tract frontage along S.R. 415. It also puts Carter's property within about 1,000 feet of the city's boundary.

A changing political climate

Mulder, who was elected mayor in November, said he has several concerns, including the proposed location of the sewage plant outside the city's voluntary-annexation boundary.

The proposed deal suggests the city wants to grow beyond that line, he said. "In some people's minds, it's a done deal,

and the commission hasn't had any discussion on it," said Mulder, whose platform called for slower growth.

But the annexation boundary, initially proposed in March, is only as firm as the city wants it to be, officials said. It came up after the county lost its first legal challenge to the city's annexation of nearly 5,000 acres east of Deltona known as the Leffler property.

The county has filed an appeal, which is pending.

The appeal has stalled a proposed annexation next to the Leffler property of about 1,300 acres -- including the largest parcel, known as the Luthra tract, which was purchased in September 2004 for \$6.8 million.

Bobby Luthra, a real-estate agent, also said there are no immediate plans to do anything with a third tract, of roughly 4,700 acres, that lies between the Leffler property and State Road 44. This tract was purchased earlier this year for \$13 million by Kemcho Investment Group, a limited-liability company based in Westbury, N.Y.

The property, previously known as the American Timberlands tract, has not been proposed for annexation.

Meanwhile, with elections and term limits changing the composition of the seven-member City Commission -- four new members joined in November -- slow-growth activists, county officials and others are calling for Deltona leaders to figure out a new plan for this city's future.

"To this point," slow-growth activist Sandy Walters of Enterprise said, "the only vision that anybody has seen is just gobbling up rural lands for the sake of growth that won't pay for itself."

The proposal to swap land for lower impact fees was news to some officials.