

MEMORANDUM

TO: Honorable Mayor and City Council Members

PREPARED BY: Jim Kerr, City Planner *JK*

DATE: March 18, 2008

SUBJECT: **Annexation of Orange Commerce Park Property
Located on North Volusia Avenue**

PURPOSE

To approve a request from Orange Commerce Park LLC to annex their property, located on North Volusia Avenue, into the City limits of Orange City.

BACKGROUND

An annexation petition was received on March 19, 2008 from John H. Kuhlmann (dba Orange Commerce Park, LLC) requesting the 11.05-acre property be annexed into the City limits.

The Orange Commerce Park property is currently mostly vacant and undeveloped, but does possess a single family residential dwelling. The annexation of this property continues City Council's intent to "square off" and "fill-in" areas within the City's proposed boundary lines. Based on the proposed 2007 tax roll information, the taxable value of the property is \$1,285,207, thereby creating a potential City ad valorem revenue of \$5,783.43 under its current county zoning of B-4 General Commercial. Additional revenues will be realized from ad Valorem and utility taxes following annexation of the property.

Attached is the annexation Ordinance, a property status report describing the property, a copy of the annexation petition, and a map depicting the area proposed for annexation.

RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 348, thereby annexing the subject property into the City limits of Orange City.

ORDINANCE NO. 348

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE ORANGE COMMERCE PARK PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF NORTH VOLUSIA AVENUE APPROXIMATELY 300 FEET NORTH OF WISCONSIN AVENUE, CONTAINING APPROXIMATELY 11.05 ACRES; IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF FLORIDA STATUTE 171.044; REDEFINING THE BOUNDARIES OF THE CITY OF ORANGE CITY BY AMENDING THE APPROPRIATE SECTIONS OF THE CODE OF ORDINANCES; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John H. Kuhlmann, AKA Orange Commerce Park LLC is the owner in fee simple of certain real property generally located on the east side of North Volusia Avenue approximately 300 feet north of Wisconsin Avenue, containing approximately 11.05 acres as hereinafter described, and

WHEREAS, the Orange Commerce Park LLC property is currently situated within the jurisdiction of the County of Volusia, and

WHEREAS, the property owner is desirous of having his property annexed into the City limits of the City of Orange City, Florida, and

WHEREAS, the property owner has petitioned the City of Orange City for voluntary annexation of his property pursuant to Florida Statute 171.044, and

WHEREAS, the City Council of the City of Orange City hereby finds that the Orange Commerce Park LLC property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Orange Commerce Park LLC property is reasonably compact, and annexation of said property will not result in the creation of an enclave, and that said annexation meets the other requirements of Florida Statute 171.044, and

WHEREAS, the City of Orange City, Florida, is in a position to provide municipal services to the property described herein, and the City Council of the City of Orange City, Florida, deems it in the best interest of the City to accept said petition and annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That the Orange Commerce Park LLC property, generally located on the east side of North Volusia Avenue approximately 300 feet north of Wisconsin Avenue, containing approximately 11.05 acres, a description of which is attached hereto as Attachment "A", and by reference incorporated herein with full force and effect, is hereby annexed and made part of the City of Orange City, Florida, pursuant to Section 171.044, Florida Statutes.

SECTION 2. That upon adoption of this ordinance, the appropriate Sections of the Code of Ordinances of the City of Orange City shall be amended by redefining the boundaries of the City to include the lands described in Section 1.

SECTION 3. The City Clerk of the City of Orange City, Florida, is hereby directed pursuant to Section 171.044(3) of the Florida Statutes to comply with the public notification requirements for adoption of this ordinance, including sending a copy of the notice, via certified mail, to the County Council of the County of Volusia, and that upon adoption of this ordinance, certified copies shall be filed with the Clerk of the Circuit Court and the Chief Administrative Officer of the County of Volusia, the Department of State in Tallahassee, and the Office of the Governor, within seven days from the effective date of the ordinance, pursuant to Section 171.044.

SECTION 4. That upon this ordinance becoming effective, the property owners and any residents on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Orange City, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Orange City, Florida, and the provisions of said Chapter 171, Florida Statutes.

SECTION 5. Repealer: That all ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed, as well as any portion in conflict herewith.

SECTION 6. Severability: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 7. Effective Date: This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 348):

First Reading this _____ day of _____, 2008.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 348):

Second Reading this _____ day of _____, 2008.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2008.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney

Attachment A

Ordinance No. 348

Legal Description

Orange Commerce Park Annexation

Property located on North Volusia Avenue

Name: Orange Commerce Park

Street Address: 1420 North Volusia Avenue

Parcel ID: 8002-02-00-0050, 8002-02-00-0030, and 8002-02-00-0020

Acreage: 11.05

Legal Description: Lots 5 and 6, Homes Investment Company Subdivision, less and except that portion for State Road right-of-way, according to the map or plat thereof as recorded in Plat Book 5, Page 57, Public Records Of Volusia County, Florida, and

Lots 3 and 4, Except that part lying in State Road, Homes Investment Company Subdivision, according to the map or plat thereof as recorded in Plat Book 5, Page 57, Public Records Of Volusia County, Florida, and

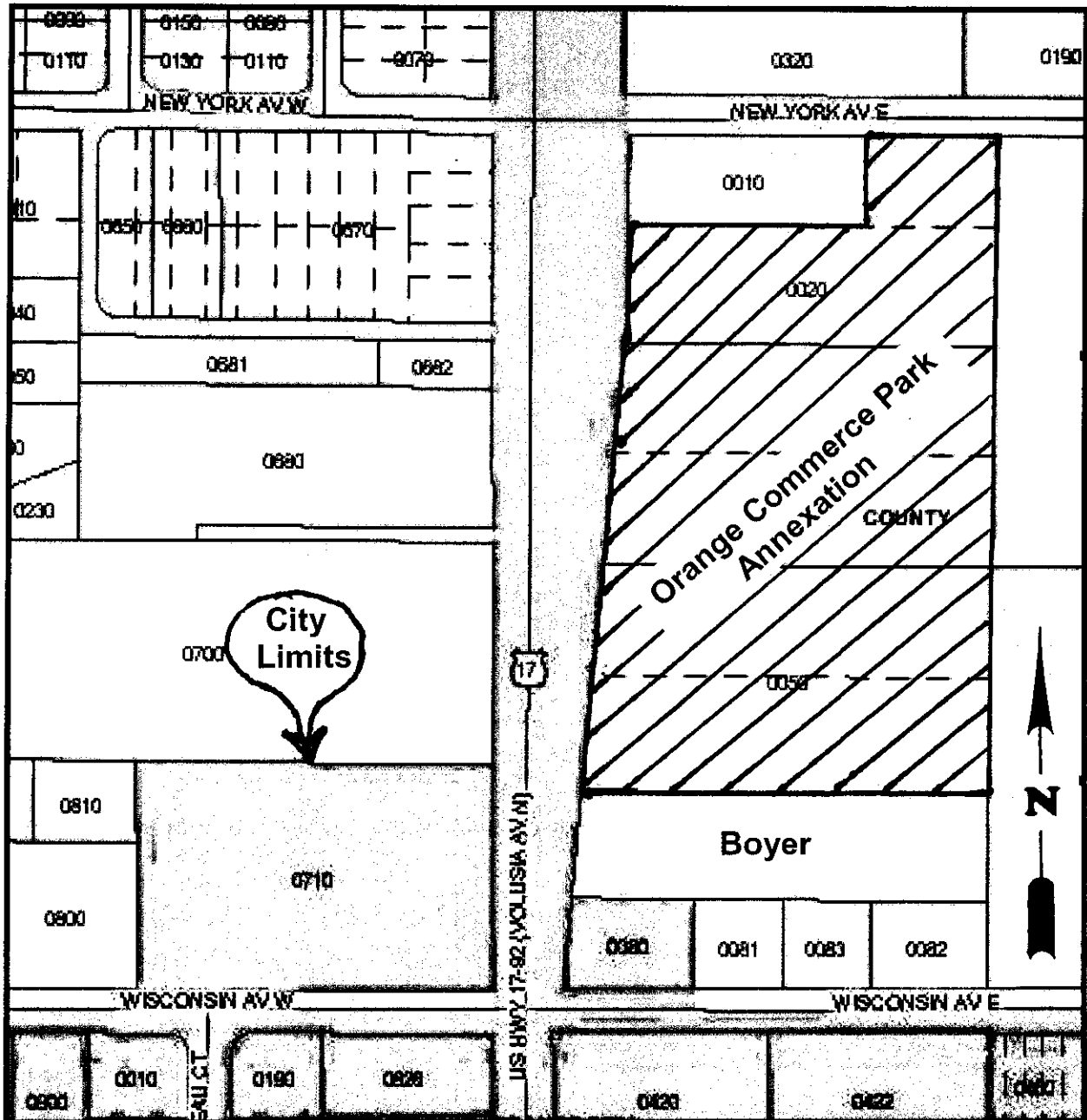
The East 202.78 feet Of Lot 1, and all of Lot 2, less the North 4 feet of the West 330 feet of lot 2 lying East of the East right-of-way line of Highway 17-92, and less road right-of-way, Home Investment Company, according to the map or plat thereof as recorded In Plat Book 5, Page 57, Public Records of Volusia County, Florida.

Containing 11.05 acres, more or less.

Attachment B

Ordinance No. 348

Orange Commerce Park Annexation



Orange Commerce Park Property Status Report

Ownership Status

Applicants Name	John H. Kuhlmann				
Owners Name	Orange Commerce Park LLC				
Company Name	N/A				
Mailing Address	1420 North Volusia Avenue				
City	Orange City	State	Florida	Zip	32763

General Description of Current Property Status:

Property Location	Located on the east side of North Volusia Avenue approximately 300 feet north of Wisconsin Avenue.				
Property Address	1420 North Volusia Avenue				
Size of Property	Width:	Various	Depth:	Various	Acres: 11.05
Total Acres	11.05				
Population	None, unoccupied				
Number of Structures	Two				
Dwelling Units	Two				
Building Square Feet	1,092 and 364				
Parcel Number	8002-02-00-0020, 0030, and 0050				
Legal Description	See Attachment A to Ordinance 348				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(17.88440)	(18.38254)
City Millage Rate	N/A	(4.50000)
Assessed Land Value	1,244,961	1,244,961
Assessed Building Value	40,246	40,246
Exemption	0	0
Taxable Value	1,285,207	1,285,207
Stormwater	0	N/A
Total Ad Valorem	22,985.15	23,625.37
City Ad Valorem	N/A	5,783.43

The above revenues are based on the assessed property value as listed in the Volusia County proposed 2007 Tax Year.

Subject Property Current Land Use and Zoning Description

The subject property currently maintains the following:	
Land Use Designation	(Volusia County) (Com) Commercial
Zoning	(Volusia County) (B-4) General Commercial
The property is mostly vacant and undeveloped.	

Subject Property Proposed Land Use and Zoning Description

The subject property is proposed to be changed to the following:	
Land Use Designation	(Orange City) (CG) Commercial General
Zoning	(Orange City) (CG-1) Commercial General

Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **John H. Kuhlmann** Phone:

Business Name: **Orange Commerce Park LLC** Phone:

Address: **1490 Sunshadow Drive, Suite 2020** Fax:

City: **Casselberry** State: **Florida** Zip: **32707**

Mailing Address: **Same** e-mail:

City: State: Zip:

Property Information

Property Address: **1420 North Volusia Avenue**

The subject property is located on the **East** side of **North Volusia Avenue**

approximately **300** feet **north** from its intersection with **Wisconsin Avenue**

Parcel Number: **8002-02-00-0050** Parcel Number: **0030 and 0020** Acres **11.05**

The existing land use of the property is **Vacant single family residential**

Whereas, (I / We) **Orange Commerce Park LLC**
(is / are) the owner(s) of property abutting and contiguous to the existing city limits of the City of Orange City, Florida, do voluntarily petition the City of Orange City, Florida, pursuant to Section 171.044, Florida Statutes, that (my / our) property be annexed into the City of Orange City, Florida

Whereas, said property to be annexed is more particularly described in the legal description as follows:

Legal Description

See Attachment "A", Legal description for **Orange Commerce Park Annexation**

Therefore, (I / We) do request that the above described property owned by (me / us) in fee simple be annexed as part and parcel of the City of Orange City, Florida

Notarization

State of FLORIDA County of SEMINOLE

ORANGE COMMERCE PARK, LLC
BY: JOHN H. KUHLMANN, MANAGER

Print Name
John H. Kuhlmann, MANAGER
Signature

Print Name
/
Signature

Print Name
/
Signature

Print Name
/
Signature

Subscribed and sworn to (or affirmed) before me on this the 18 day of March 2008
who is/are personally known to me or has/ have produced
as identification.

Linda Pellegrino
Signature, Notary Public



Notary Stamp

The City of Orange City
Petition for Annexation