

## MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**PREPARED BY:** Jim Kerr, City Planner *JKK*

**DATE:** March 18, 2008

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

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### 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.

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**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:**

**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

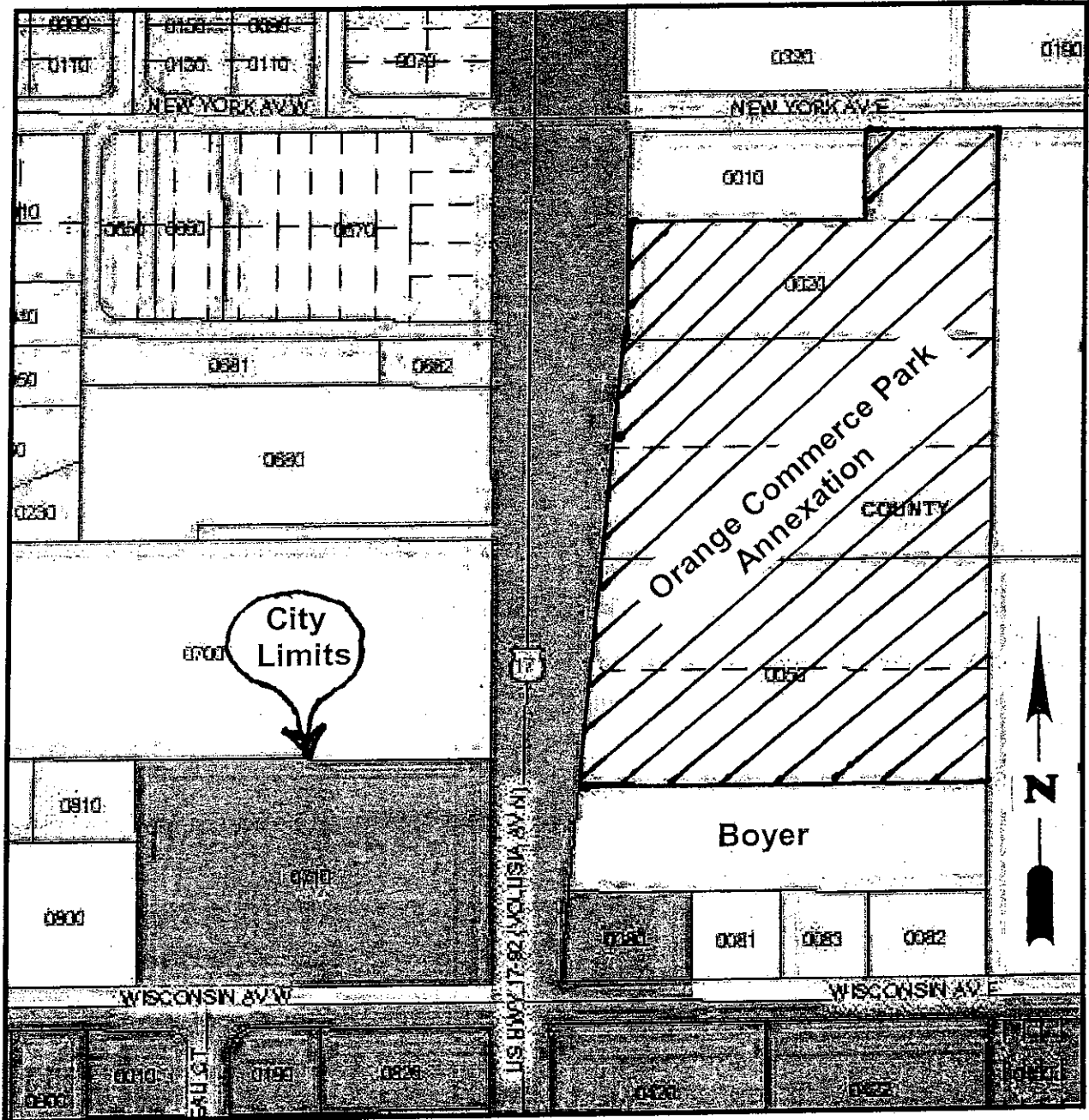
Approved as to form and legal sufficiency:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney

# Attachment B

## Ordinance No. 348

### Orange Commerce Park Annexation



# 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

# Attachment A

## 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.

