

MEMORANDUM

TO: Honorable Mayor and City Council Members

PREPARED BY: Jim Kerr, City Planner *JK*

DATE: September 10, 2008

SUBJECT: **Annexation of RaceTrac Petroleum Property
Located on North Volusia Avenue**

PURPOSE

To approve a request from RaceTrac Petroleum, Inc. to annex their property, located on North Volusia Avenue, into the City limits of Orange City.

BACKGROUND

An annexation petition was received on September 9, 2008 from RaceTrac Petroleum, Inc. requesting the 3.91-acre property to be annexed into the City limits.

The RaceTrac 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 \$773,208, thereby creating a potential City ad valorem revenue of \$3,388.48 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. 364, thereby annexing the subject property into the City limits of Orange City.

SEP 16 2008

BY: *RBV* 2:45P

ORDINANCE NO. 364

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE RACETRAC PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTHEAST CORNER OF NORTH VOLUSIA AVENUE AND EAST NEW YORK AVENUE, CONTAINING APPROXIMATELY 3.91 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, RaceTrac Petroleum, Inc., is the owner in fee simple of certain real property generally located on the northeast corner of North Volusia Avenue and East New York Avenue, containing approximately 3.91 acres as hereinafter described, and

WHEREAS, the RaceTrac 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 RaceTrac property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the RaceTrac 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 RaceTrac Petroleum, Inc. property, generally located on the northeast corner of North Volusia Avenue and East New York Avenue, containing approximately 3.91 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. 364):

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. 364):

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. 364

Legal Description

RaceTrac Annexation

Property located on North Volusia Avenue

Name: RaceTrac Petroleum, Inc.

Street Address: 1900 North Volusia Avenue

Parcel ID: 8002-00-00-0330 and 8002-00-00-0320

Acreage: 3.91

Legal Description: A portion of Lot 2, Township 18 South, Range 30 East, Volusia County, Florida, more particularly described as follows:

Commence at the Southwest corner of Government Lot 2; thence North 89°42'22" East, along the South line of said Government Lot 2 for a distance of 132.00 feet; thence North 00°02'43" East, for a distance of 30.00 feet to a point on the East Right of Way line of U.S. Highway 17/92 as shown on Florida Department of Transportation Map Section 79040, and Point of Beginning; thence continue North 00°02'43" East, along said Right of Way line for a distance of 190.01 feet to a point on the South line of the North 190 feet of the South 1/2 of the Southwest 40 acres of said Lot 2; thence North 89°42'22" East, along said South line for a distance of 501.33 feet to a point on the East line of the West 633.32 feet of the South 1/2 of the Southwest 40 acres of said Government Lot 2; thence South 00°02'43" West, along said East line for a distance of 190.01 feet to a point on the North line of the South 30 feet of Government Lot 2; thence South 89°42'22" West, along said North line for a distance of 501.33 feet to a Point on said East Right of Way line and Point of Beginning.

And

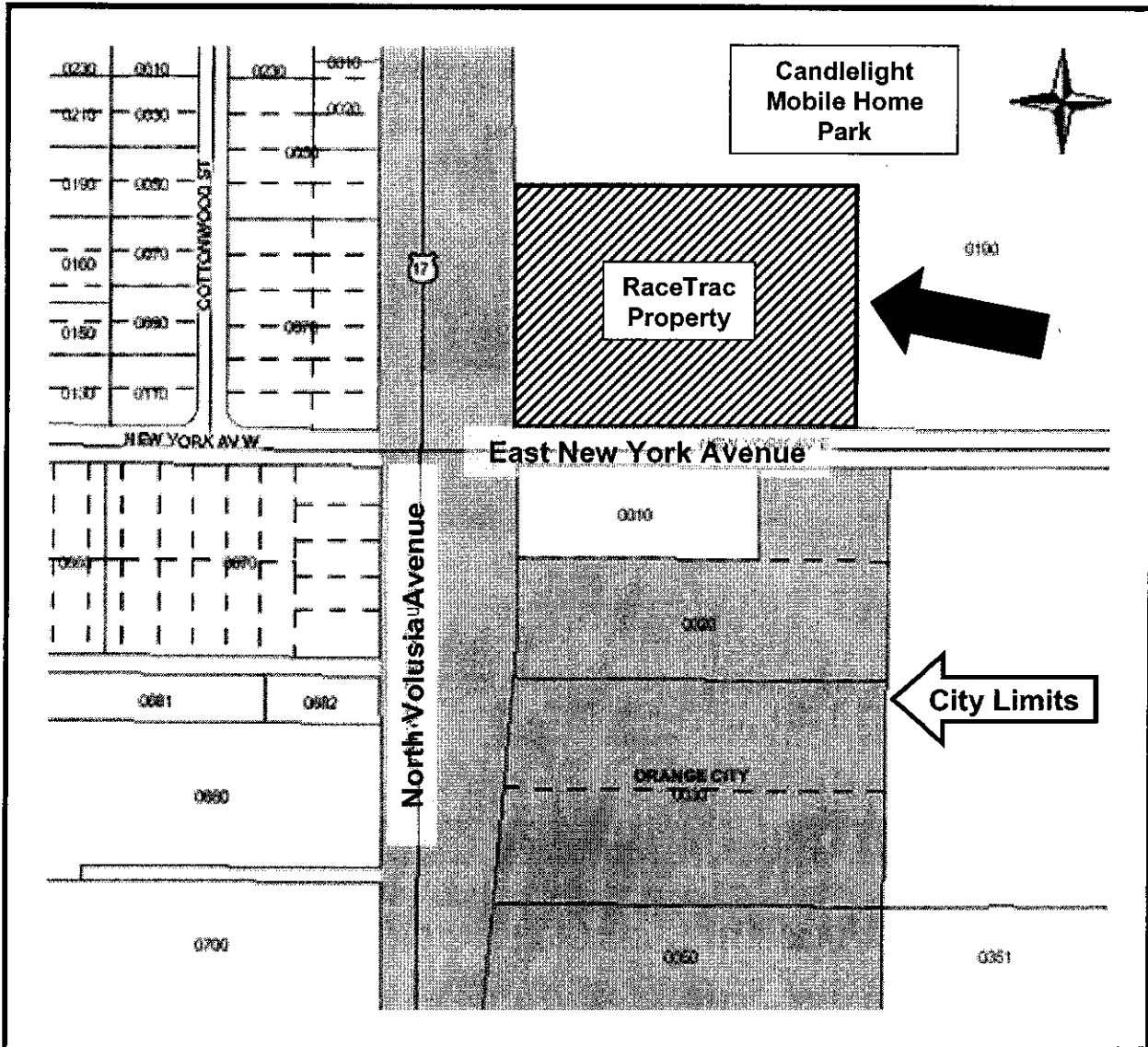
The North 150 feet of the South 370 feet of the West 633.32 feet of the South 1/2 of the Southwest 40 acres, of Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, except the West 132 feet thereof, and except that portion lying in State Road right-of-way.

Containing 3.91 acres more or less.

Attachment B

Ordinance No. 364

RaceTrac Annexation



RaceTrac Property Status Report

Ownership Status

Applicants Name	Matt Shook				
Owners Name	RaceTrac Petroleum, Inc.				
Company Name	N/A				
Mailing Address	3225 Cumberland Boulevard, Suite 100				
City	Atlanta	State	Georgia	Zip	30339

General Description of Current Property Status:

Property Location	Located on the northeast corner of North Volusia Avenue and East New York Avenue.				
Property Address	1900 North Volusia Avenue				
Size of Property	Width:	340.0	Depth:	501.33	Acres: 3.91
Total Acres	3.91				
Population	None, unoccupied				
Number of Structures	One				
Dwelling Units	One				
Building Square Feet	1,656				
Parcel Number	8002-00-00-0330 and 8002-00-00-0320				
Legal Description	See Attachment A to Ordinance 364				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(17.88440)	(18.26491)
City Millage Rate	N/A	(4.38237)
Assessed Land Value	722,508	722,508
Assessed Building Value	50,700	50,700
Exemption	0	0
Taxable Value	773,208	773,208
Stormwater	72.00	N/A
Total Ad Valorem	13,900.36	14,122.57
City Ad Valorem	N/A	3,388.48

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

ORANGE CITY
RECEIVED
SEP 19 2008
DEVELOPMENT
SERVICES

Applicant's Name: **RaceTrac Petroleum, Inc.** Phone:
Business Name: **N/A** Phone:
Address: **3225 Cumberland Boulevard, Suite 100** Fax:
City: **Atlanta** State: **Georgia** Zip: **30339**
Mailing Address: **Same** e-mail:
City: State: Zip:

Property Information

Property Address: **1900 North Volusia Avenue**

The subject property is located on the **east** side of **North Volusia Avenue**
approximately **0.0** feet **north** from its intersection with **East New York Avenue**

Parcel Number: **8002-00-00-0330** Parcel Number: **8002-00-00-0320** Acres **3.91**

The existing land use of the property is **Single family residential**

Whereas, (I / We) **RaceTrac Petroleum, Inc.**

(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 **RaceTrac 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 Georgia County of Cobb

Max Lenker President
Print Name

Print Name

Max Lenker President
Signature

Signature

Print Name

Print Name

Signature

Signature

Subscribed and sworn to (or affirmed) before me on this the 8 day of September 2008
who is/are personally known to me or has/ have produced _____
as identification.

[Signature]
Signature, Notary Public

Notary Stamp

8/13/08

The City of Orange City
Petition for Annexation

Attachment A

Legal Description RaceTrac Annexation

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And

The North 150 feet of the South 370 feet of the West 633.32 feet of the South 1/2 of the Southwest 40 acres, of Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, except the West 132 feet thereof, and except that portion lying in State Road right-of-way.

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