

MEMORANDUM

TO: Honorable Mayor and City Council Members

OCT 05 2009

PREPARED BY: Jim Kerr, City Planner *JK*

RB

DATE: October 13, 2009

SUBJECT: Resolution for Annexation Report Submittal to Volusia County
Referendum Annexation of Breezewood Village Condominiums
Located at 101 Grand Plaza Drive, in Orange City District 1

PURPOSE

To approve a resolution which provides for submittal of the Breezewood Village Condominiums Annexation Report to be filed with the County Council of the County of Volusia, Florida.

BACKGROUND

On July 9, 2009, staff was contacted by a Breezewood Village board member who expressed an interest to annex the Breezewood Village development into the City of Orange City. City Manager Chester Murray and staff met with all the Board members on July 20, 2009. On September 8, 2009, Chester Murray and certain staff members made an annexation presentation to a room full of residents at the Breezewood Village clubhouse. At the end of the meeting, those residents present (approximately 50 people) voted unanimously to request that Breezewood Village be annexed into the City limits.

In order to conduct a referendum of this type, Florida Statutes requires an annexation report be conducted by the City and filed with the Volusia County Council. The Breezewood Village property consists of approximately 11.5 acres and is located at 101 Grand Plaza Drive in City District 1. The property is developed as a multi-family residential project, containing 112 condominium dwelling units, and a population of approximately 131 people. The annexation of this property continues City Council's intent to "square off" and "fill-in" areas within Orange City's designated planning area.

Attached is a copy of Resolution 568-09, and the Annexation Report.

RECOMMENDATION

Staff recommends City Council approval of Resolution No. 568-09, thereby directing staff to file the Breezewood Village Condominiums Annexation Report with the County Council of the County of Volusia, Florida.

RESOLUTION NO. 568-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING THE BREEZEWOOD VILLAGE CONDOMINIUM ANNEXATION REPORT SETTING FORTH THE PLANS TO PROVIDE URBAN SERVICES TO THE BREEZEWOOD VILLAGE CONDOMINIUMS, LOCATED AT 101 GRAND PLAZA DRIVE, ORANGE CITY, FLORIDA; AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO FILE SAID REPORT WITH THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA, FLORIDA, PRIOR TO THE JANUARY 19, 2010 ANNEXATION REFERENDUM; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Breezewood Village Condominium residential development is located on the north side of Grand Plaza Drive, approximately 300 feet east of Enterprise Road, and is more specifically located at 101 Grand Plaza Drive, and

WHEREAS, the Breezewood Village Condominiums is located immediately adjacent and contiguous to the City limits of the City of Orange City, Florida, and

WHEREAS, the Breezewood Village Condominiums, currently located in unincorporated Volusia County, by their condominium association, have expressed an interest to annex into the City of Orange City; and

WHEREAS, a meeting was held on September 8, 2009, by the Breezewood Village Condominium Homeowners Association wherein many of the residents within the area expressed a desire to annex into the City of Orange City, and

WHEREAS, in accordance with the provisions of Florida Statutes Sections 171.0413 and 171.042 the City of Orange City wishes to annex the Breezewood Village Condominiums into the corporate limits of the City of Orange City via a referendum annexation; and

WHEREAS, in accordance with Florida Statutes Section 171.0413(2), the City intends to hold a mail ballot referendum election on January 19, 2010 to annex the Breezewood Village Condominiums into the corporate limits of the City of Orange City, and

WHEREAS, in accordance with the provisions of Florida Statutes Sections 171.042(1), the City is required to prepare a report prior to commencing the annexation procedures, setting forth the plans to provide urban services to the area to be annexed.

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

SECTION 1. That the Breezewood Village Condominium Annexation Report, dated October 13, 2009, attached hereto as Exhibit A, and by this reference is incorporated herein, sets forth the plans to provide urban services to the area to be annexed.

SECTION 2. That the City manager and the City Clerk of the City of Orange City, Florida, is hereby directed pursuant to Section 171.042(2) of the Florida Statutes to file the Breezewood Village Condominium Annexation Report with the County Council of the County of Volusia, Florida.

SECTION 3. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Resolution No. 568-09):

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

ADOPTED THIS _____ DAY OF _____, 2009.

ATTEST TO:

Deborah J. Renner, City Clerk

Authenticated this _____ day of _____, 2009.

Harley Strickland, Mayor

This Resolution approved
as to form and legal sufficiency:

William Reischmann, City Attorney

Breezewood Village Condominiums

Annexation Report

Orange City, Florida

The City of Orange City desires to hold a referendum on January 19, 2010 to annex the Breezewood Village Condominium property. Florida Statutes 171.042 requires the City to prepare the following annexation report prior to the referendum.

Breezewood Village Demographics

112 Condo units	County Taxing District 100
118 registered voters	County Council District 1, Andy Kelly
131 population	
11.5 acres total	

Designated Planning Area = The Breezewood Village Condo area is located within the City's Designated Planning Area

Orange City Demographics

4,400 acres approximate	City Taxing District 014
10,203 population	City Council District 1

1. Requirement of State Statute

171.042 Prerequisites to annexation.--

(1) Prior to commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, and the report shall include the following:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, as required in paragraph (c), and the general land use pattern in the area to be annexed.

Report Analysis

See the attached maps:

Map A - Present Municipal Boundaries

Map B - Proposed Municipal Boundaries

General Land Use Pattern

The 11.5 acre Breezewood Village Condominium property proposed to be annexed consists of 112 multi-family residential condominium dwelling units, with an average size of 1,150 square feet per residential unit.

2. Requirement of State Statute

171.042 Prerequisites to annexation.--

(1) Prior to commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, and the report shall include the following:

(b) A statement certifying that the area to be annexed meets the criteria in s. 171.043

Report Analysis

Statement per FS 171.043

The Breezewood Village Condominium area to be annexed meets the criteria listed in Florida Statutes 171.043, as follows.

The southern boundary of the 11.5 acres to be annexed is immediately contiguous to the City's jurisdiction and is reasonably compact, and no part of the area to be annexed is located within the boundary of another incorporated municipality. The Breezewood Village area proposed to be annexed is already 100 percent developed for urban purposes. Further, the current Breezewood Village population consists of 131 people (via a headcount), resulting in 1.17 persons per household, and 11.4 persons per acre. This exceeds and meets the minimum 2.0 persons per acre requirement.

3. Requirement of State Statute

171.042 Prerequisites to annexation.--

(1) Prior to commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, and the report shall include the following:

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

1. Provide for extending urban services except as otherwise provided herein to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

Report Analysis

Police Service

The Orange City Police Department will provide police services within the Breezewood Village area following annexation.

Fire Service

The Orange City Fire Department will provide fire services within the Breezewood Village area following annexation.

Emergency Medical Service

As per the interlocal Closest Unit Response agreement with Volusia County, the City currently provides the EMS services within the Breezewood Village area.

Following the annexation of Breezewood Village, the above urban services will be provided to the area in substantially the same basis and in the same manner as such services are currently provided within the other portions of Orange City.

4. Requirement of State Statute

171.042 Prerequisites to annexation.--

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.

Report Analysis

Water and Wastewater

The Breezewood Village area is 100 percent developed and serviced by Volusia County Utilities as per an existing interlocal utility service area agreement with Volusia County. The water and wastewater mains are owned by Volusia County Utilities. There will be no extension of water or wastewater mains into the area by the City because the water or wastewater mains currently serving Breezewood Village are pre-existing and will not be affected by the annexation. Therefore no water or sewer mains will be affected or extended following annexation.

5. Requirement of State Statute

171.042 Prerequisites to annexation.--

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

Report Analysis

Water and Wastewater

The Breezewood Village area is 100 percent developed and serviced by Volusia County Utilities as per an existing interlocal utility service area agreement with Volusia County. The water and wastewater mains are owned by Volusia County Utilities. There will be no extension of water or wastewater mains into the area by the City because the water or wastewater mains currently serving Breezewood Village are pre-existing and will not be affected by the annexation. Therefore a timetable is not needed for the construction of water or sewer mains following annexation.

6. Requirement of State Statute

171.042 Prerequisites to annexation.--

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

Report Analysis

Water and Wastewater

The Breezewood Village area is 100 percent developed and serviced by Volusia County Utilities as per an existing interlocal utility service area agreement with Volusia County. The water and wastewater mains are owned by Volusia County Utilities. There will be no extension of water or wastewater mains into the area by the City because the water or wastewater mains currently serving Breezewood Village are pre-existing and will not be affected by the annexation. Therefore there will be no fiscal impact to the City following annexation.

Solid Waste

The Breezewood Village Condominium Association has contracted with a privately owned vendor which collects the solid waste on a weekly basis, including recycled materials. Therefore there will be no fiscal impact to the City following annexation.

Police

The Orange City Police Department will provide police service within this area following annexation. Following a review of the statistical call data for the Breezewood Village condominiums, the Police Department feels the annexation of this area will have a minimal impact on the Orange City Police Department, and that any impact will be absorbed into the City's current fiscal resources.

Fire

The Orange City Fire Department will provide fire service within this area following annexation. Following a review of the statistical call data for the Breezewood Village condominiums, the Fire Department feels the annexation of this area will have a minimal impact on the Orange City Fire Department, and that any impact will be absorbed into the City's current fiscal resources.

Emergency Medical Service

As per the interlocal Closest Unit Response agreement with Volusia County, the City currently services this area for EMS. Therefore there will be no fiscal impact to the City following annexation.

7. Requirement of State Statute

171.042 Prerequisites to annexation.--

(2) Not fewer than 15 days prior to commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall file a copy of the report required by this section with the board of county commissioners of the county wherein the municipality is located. Failure to timely file the report as required in this subsection may be the basis for a cause of action invalidating the annexation.

Annexation Report

This annexation report will be considered for approval by the City Council of Orange City on October 13, 2009, after which, this report will be submitted to Volusia County within five calendar days.

8. Requirement of State Statute

171.042 Prerequisites to annexation.--

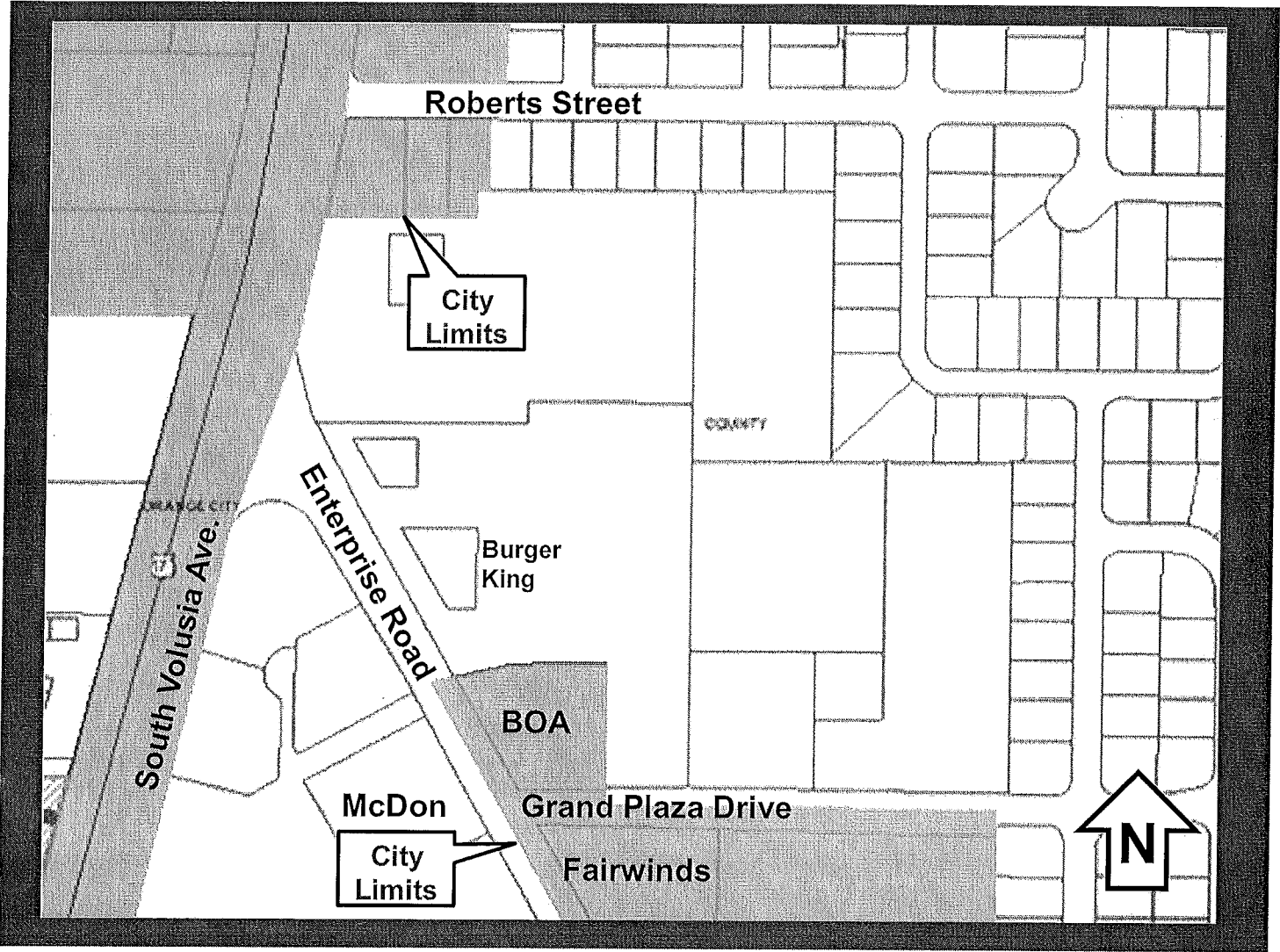
(3) The governing body of the municipality shall, not less than 10 days prior to the date set for the first public hearing required by s. 171.0413(1), mail a written notice to each person who resides or owns property within the area proposed to be annexed. The notice must describe the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. A copy of the notice must be kept available for public inspection during the regular business hours of the office of the clerk of the governing body.

Written Annexation Notification

On or before October 30, 2009, the City will mail notices to the persons who reside or own property within Breezewood Village. The notice will meet the requirements of FS 171.042(3) and will provide notification of the two public hearings to be held on November 10, 2009 and December 8, 2009.

Orange City, Florida

Present City Boundaries



Orange City, Florida

Proposed City Boundaries

