

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Wendy Hickey, Planning & Zoning Analyst *WH*

DATE: October 27, 2009

SUBJECT: **Annexation of Mighty T Realty, Inc. – 8015-10-03-0020
Located at 2479 South Volusia Avenue**

OCT 19 2009
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PURPOSE

To approve a request from Michael Tranto, (dba Mighty T Realty, Inc.) to annex his property, located on South Volusia Avenue, into the City limits of Orange City.

BACKGROUND

An annexation petition was received on October 9, 2009 from Kim Booker representing Might T Realty, Inc., requesting the 5.80 acre property to be annexed into the City limits.

The Mighty T Realty property is currently developed as a fitness center. Staff finds that the Mighty T property is contiguous to and abuts the City boundary of Orange City, and that the Mighty T property is reasonably compact, and annexation of the property will not result in the creation of an enclave, and that annexation of the property meets the other requirements of Florida Statute 171.044.

The annexation of this property continues City Council's intent to "square off" and "fill-in" areas within the City's designated planning area. Based on the 2008 tax roll information, the taxable value of the property is \$539,084.00 thereby creating a potential City ad valorem revenue of \$2,415.10 under its current county zoning of B-4 General Commercial. Additional revenues will be realized from 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 to be annexed.

RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 407, thereby annexing the subject property into the City limits of Orange City.

ORDINANCE NO. 407

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MIGHTY T REALTY, INC. PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH VOLUSIA AVENUE, APPROXIMATELY 245 FEET SOUTH OF MILLER ROAD, CONTAINING APPROXIMATELY 5.80 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, Mighty T Realty, Inc. is the owner in fee simple of certain real property generally located on the west side of South Volusia Avenue, approximately 245 feet south of Miller Road, containing approximately 5.80 acres as hereinafter described, and

WHEREAS, the Mighty T Realty 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 Mighty T Realty property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that, the Mighty T Realty 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 Mighty T Realty property, generally located on the west side of South Volusia Avenue, approximately 245 feet south of Miller Road, containing approximately 5.80 acres as depicted on Attachment "B", 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. 407):

First Reading this _____ day of _____, 2009.

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

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 407):

Second Reading this _____ day of _____, 2009.

Gary Blair	_____	Anthony Pupello	_____
Tom Laputka	_____	Tom Abraham	_____
O. William Crippen	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2009.

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

Legal Description Mighty T Realty, Inc. Annexation

Property located on South Volusia Avenue

Name: **Mighty T Realty, Inc.**

Street Address: **2479 South Volusia Avenue**

Parcel ID: **8015-10-03-0020**

Acreage: **5.80**

Legal Description: Tracts 2 and 3, Block C, Rolling Acres of Orange City, an unrecorded Plat, more completely described as follows:

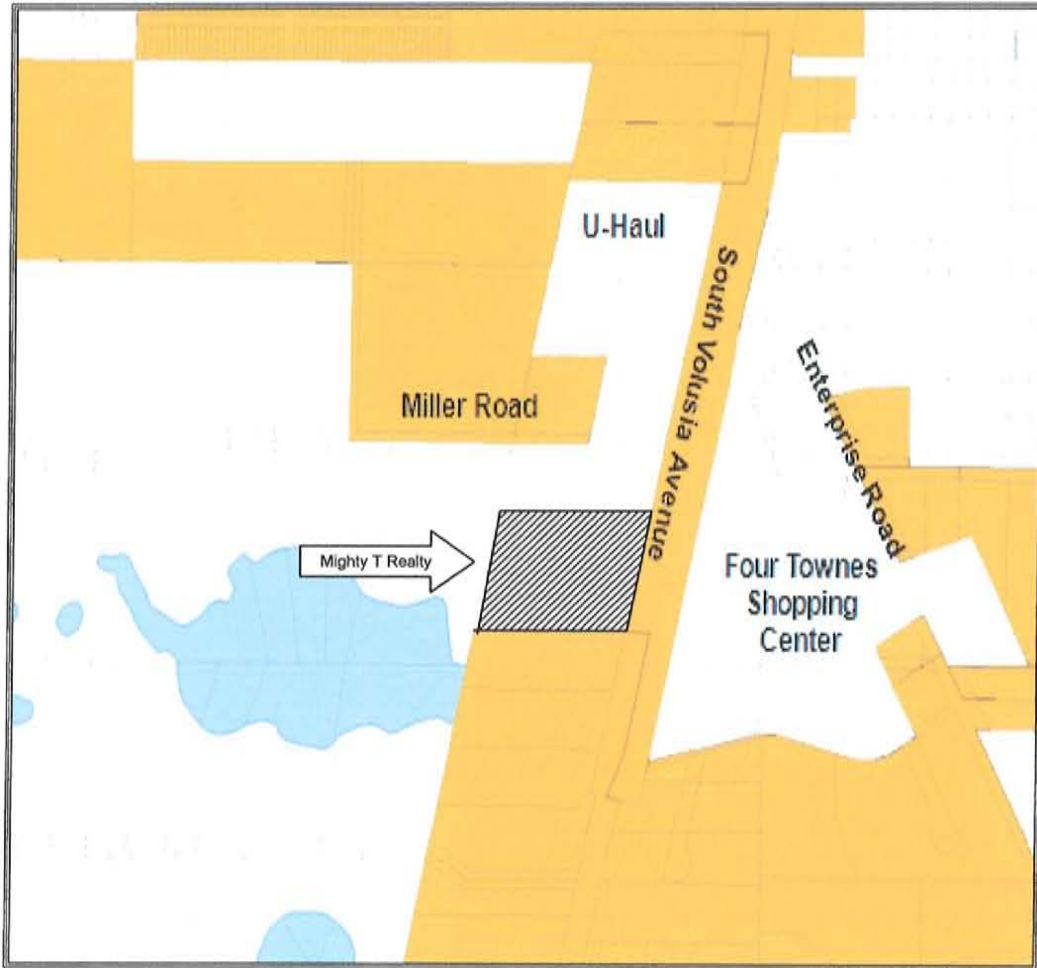
Tract 2: From the 1/4 corner on the South line of Section 15, Township 18 South, Range 30 East, Volusia County Florida, run N 89°40'44" E, 1408.16 feet; thence N 13°54'13" E, 328.31 feet to a Point of Beginning; thence continue N 13°54'13" E, 200 feet; thence N 89°58'42" E, 631.44 feet to the Westerly Right-of-Way line of U.S. Highway 17 & 92; thence S 13°54'13" W along said Right-of-Way line 200 feet; thence S 89° 58'42" W, 631.44 feet to the Point of Beginning.

Tract 3: From the 1/4 corner on the South line of Section 15, Township 18 South, Range 30 East, Volusia County, Florida, run N 89°46'44" E, 1408.16 feet; thence N 13°54'13" E, 128.31 feet to a Point of Beginning; thence continue N 13°54'13" E, 200 feet; thence N 89°58'42" E, 631.44 feet to the Westerly Right-of Way line of U.S. Highway 17 & 92; thence S 13°54'13" W, along said Right-of Way line 200 feet; thence S 89°58'42" W, 631.44 feet to the Point of Beginning.

Attachment B

Ordinance No. 407

Mighty T Realty, Inc. Annexation



Mighty T Realty Property Status Report

Ownership Status

Property Owner	Mighty T Realty, Inc.				
Applicants Name					
Mailing Address	620 Bernasek Dr.				
City	Debary, Fl	State	Florida	Zip	32713

General Description of Current Property Status :

Property Location	Located on the west side of South Volusia Avenue approximately 245 feet south of Miller Road.				
Property Address	2479 South Volusia Avenue				
Size of Property	Width:	Irregular	Depth:	Irregular	Acres: 5.80
Total Acres	5.80				
Population	None				
Number of Structures	1				
Dwelling Units	None				
Building Square Feet	8400				
Parcel Number	8015-10-03-0020				
Legal Description	See Attachment A Legal Description to Ordinance 407				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	126,598	126,598
Assessed Building Value	398,255	398,255
Exemption	0	0
Taxable Value	539,084	539,084
Stormwater	804.96	N/A
Total Ad Valorem	804.96	0
City Ad Valorem	N/A	2415.00

The above revenues are based on the current assessed property value as listed in the Volusia County 2008 Tax Roll.

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) B4 General Commercial
	The property usage a fitness center

Detailed Subject Property Proposed Land Use and Zoning Description

The subject property is proposed to be changed to the following:	
Land Use Designation	(Orange City) MX Mixed Use
Zoning	(Orange City) MX-2 Mixed Use
	The property is proposed to continue as a fitness center.

Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Michael S. Taranto** Phone:
Business Name: **Mighty T Realty, Inc.** Phone:
Address: **620 Bernasek Drive** Fax:
City: **Debary** State: **Florida** Zip: **32713**
Mailing Address: **Same** e-mail:
City: State: Zip:

Property Information

Property Address: **2479 South Volusia Avenue**

The subject property is located on the **West** side of **Volusia Avenue**
approximately **245** feet **South** from its intersection with **Miller Road**

Parcel Number: **8015-10-03-0020** Parcel Number: **N/A** Acres **5.80**

The existing land use of the property is **Fitness Center**

Whereas, (I / We) **Michael S. Taranto**
(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 Mighty T Annexation

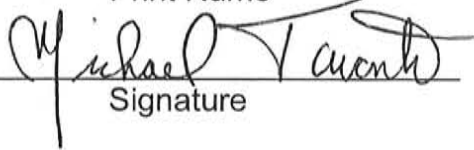
Therefore, (I / We) do request that the above described property owned by (me / us) in fee
simple be annexed as part and parcel of the City of Orange City, Florida

Notarization

State of Florida County of Volusia

Michael S. Taranto

Print Name

X 
Signature

Print Name

Signature

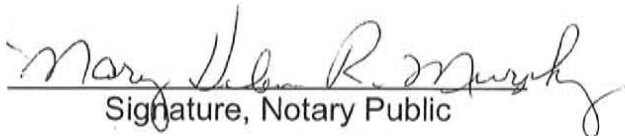
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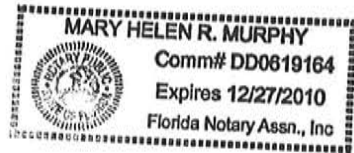
Signature

Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the 8 day of October 2009
who is/are personally known to me or has/ have produced
as identification.


Signature, Notary Public



Notary Stamp

The City of Orange City
Petition for Annexation