


MEMORANDUM

OCT 23 2009

ABV

TO: Honorable Mayor and City Council Members

PREPARED BY: Jim Kerr, City Planner 

DATE: November 2, 2009

SUBJECT: **Referendum Annexation of Breezewood Village Condominiums
Located at 101 Grand Plaza Drive, in Orange City District 1**

PURPOSE

To approve an ordinance which provides for annexation of the Breezewood Village Condominiums property, and directing an annexation referendum on January 19, 2010.

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 ordinance to annex the property into the City limits. 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 the annexation ordinance.

RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 408, thereby annexing the Breezewood Village property into the City limits of Orange City, pending an affirmative vote from the January 19, 2010 annexation referendum.

ORDINANCE NO. 408

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, PROPOSING TO ANNEX THE BREEZEWOOD VILLAGE CONDOMINIUM PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING LOCATED AT 101 GRAND PLAZA DRIVE, CONTAINING APPROXIMATELY 11.5 ACRES; DIRECTING A REFERENDUM VOTE OF THE REGISTERED ELECTORS OF SAID AREA ON THE PROPOSED ANNEXATION PURSUANT TO SECTION 171.0413, FLORIDA STATUTES, ESTABLISHING THE DATE OF SAID REFERENDUM; 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, pursuant to Section 171.0413, Florida Statute, the City of Orange City will hold a non-voluntary annexation referendum in an area of unincorporated Volusia County to annex the Breezewood Village Condominium property located at 101 Grand Plaza Drive, containing approximately 11.5 acres as hereinafter described, and

WHEREAS, the proposed area of annexation is reasonably compact and contiguous to the boundary of the City of Orange City, is not included within the boundary of another incorporated municipality and all of the proposed area of annexation is developed for urban purposes, and

WHEREAS, the City of Orange City has complied with the provisions of Section 171.042, Florida Statutes, and has prepared and filed an annexation report with the County Council of Volusia County, setting forth the plans to provide urban services to the proposed area of annexation, and has provided the notices required therein, and

WHEREAS, the City of Orange City has complied with the provisions of Section 171.0413, Florida Statutes, and has held two advertised public hearings on this ordinance, and

WHEREAS, the City Council of the City of Orange City, Florida, hereby finds that this ordinance is in the best interest of the area to be annexed, and deems it in the best interest of the City to annex said property.

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

SECTION 1. The Breezewood Village Condominium property lying in the unincorporated area of Volusia County and contiguous to the corporate boundary of Orange City, said property located at 101 Grand Plaza Drive, located approximately 500 feet east of Enterprise Road, containing approximately 11.5 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 proposed to be annexed and made part of the City of Orange City, Florida, pursuant to Section 171.0413, Florida Statutes.

SECTION 2. That upon this ordinance becoming effective this property (described in Section 1) shall be deemed annexed within the City of Orange City and 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. That upon this ordinance becoming effective, the area annexed by this ordinance shall be subject to all laws, ordinances and regulations in force within the City; the property owners and any residents on the property described herein shall be entitled to all the rights, benefits 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 4. Following the final adoption of this ordinance of annexation by the City Council of the City of Orange City, this ordinance shall be submitted to a separate referendum vote of the registered electors of the area proposed to be annexed described in Section 1.

SECTION 5. The registered electors vote on annexation shall be held during a special referendum election on Tuesday, January 19, 2010, and notice of the

referendum shall be published in accordance with the requirements of Section 171.0413(2)(b), Florida Statutes.

SECTION 6. The mail ballots used in the referendum on annexation shall offer those registered electors the following choices:

**Breezewood Village Condominium Annexation Election
Orange City, Florida
January 19, 2010**

Shall the Breezewood Village Condominium property described in Ordinance No. 408 be annexed into the City of Orange City, Florida.

___ FOR annexation of property described in Ordinance No. 408 of the City of Orange City, Florida.

___ AGAINST annexation of property described in Ordinance No. 408 of the City of Orange City, Florida.

SECTION 7. The referendum election for annexation shall be held only in the area proposed to be annexed.

SECTION 8. If there is a majority vote FOR the annexation in the area proposed to be annexed, this ordinance shall become effective on January 29, 2010, pursuant to Section 171.0413(1), Florida Statutes.

SECTION 9. If there is a majority vote AGAINST the annexation in the area proposed to be annexed, this ordinance shall not become effective and shall be of no further force or effect.

SECTION 10. 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 11. 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 12. Effective Date: Subject to an affirmative vote of the registered electors at the referendum election to be held on January 19, 2010, this

ordinance shall take effect on January 29, 2010, pursuant to Section 171.0413(1), Florida Statutes.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 408):

First Reading this _____ day of _____, 2009.

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

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 408):

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

Ordinance No. 408

Legal Description

Breezewood Village Annexation

Property located at 101 Grand Plaza Drive

Name: Breezewood Village Condominiums

Street Address: 101 Grand Plaza Drive

Parcel ID: 8014-16-00-0001

Acreage: 11.5

Legal Description: A portion of Lots 3, 5 and 6, Block 2, Blue Springs Park, as recorded in Map Book 1, Page 107 (Plat Book 17, Page 33) of the Public Records of Volusia County, Florida, Section 14, Township 18 South, Range 30 East, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 18 South, Range 30 East, Volusia County, Florida, Run thence North 00°05'33" East, a distance of 698.59 feet to a Point of Beginning of this description, said point being the North right-of-way line of Grand Plaza Drive; Run thence North 89°58'28" West along said North right-of-way line, a distance of 588.48 feet; Run thence North 00°12'27" East, a distance of 1,137.94 feet to a point on the Southerly line of Breezewood Park, Unit 3, as recorded in Plat Book 27, Page 179, Public Records of Volusia County, Florida; Run thence North 89°53'09" East, along said Southerly line a distance of 253.81 feet to the Southeast corner of said Breezewood Park, Unit 3; Run thence South 00°07'56" West, along the Westerly line of Breezewood Park, Unit 1, as recorded to Plat Book 27, Page 31, Public Records of Volusia County, Florida, a distance of 509.01 feet; Run thence North 89°49'30" East, along the Southerly line of said Breezewood Park, Unit 1, a distance of 333.00 feet; Run thence South 00°06'56" West, along the Westerly line of Breezewood Park, Unit 6, as recorded in Plat Book 34, Page 149, Public Records of Volusia County, Florida, a distance of 630.71 feet to the Point of Beginning, containing 11.5 acres, more or less.

Attachment B

Ordinance No. 408

Breezewood Village Condominium Annexation

