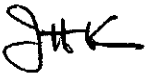


MEMORANDUM

TO: Honorable Mayor and City Council Members

PREPARED BY: Jim Kerr, City Planner 

DATE: February 17, 2009

SUBJECT: **Annexation of Florida Premier Group Property
Located at 2493 Enterprise Road**

PURPOSE

To approve a request from Florida Premier Group to annex their property, located at 2493 Enterprise Road, into the City limits of Orange City.

BACKGROUND

An annexation petition was received on January 26, 2009 from Florida Premier Group, requesting the 0.75 acre property to be annexed into the City limits.

The Florida Premier Group property is currently developed as Arby's. 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 2008 tax roll information, the taxable value of the property is \$414,625, thereby creating a potential City ad valorem revenue of \$1,857.52 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 properties.

Attached is the annexation Ordinance, a property status report describing the property, a copy of the annexation petitions, and a map depicting the area proposed to be annexed.

RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 381, thereby annexing the subject property into the City limits of Orange City.

ORDINANCE NO. 381

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE FLORIDA PREMIER GROUP PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF ENTERPRISE ROAD, APPROXIMATELY 300 FEET SOUTH OF GRAND PLAZA DRIVE, CONTAINING APPROXIMATELY 0.75 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, Florida Premier Group, is the owner in fee simple of certain real property generally located on the east side of Enterprise Road, approximately 300 feet south of Grand Plaza Drive, more specifically located at 2493 Enterprise Road, containing approximately 0.75 acres as hereinafter described, and

WHEREAS, the Florida Premier Group 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 Florida Premier Group property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Florida Premier Group 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 Florida Premier Group property, generally located on the east side of Enterprise Road, approximately 300 feet south of Grand Plaza Drive, more specifically located at 2493 Enterprise Road, containing approximately 0.75 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. 381):

First Reading this _____ day of _____, 2009.

| | | | |
|--------------------------|-------|------------------------------|-------|
| 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. 381):

Second Reading this _____ day of _____, 2009.

| | | | |
|--------------------------|-------|------------------------------|-------|
| 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 _____, 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. 381

Legal Description

Premier Annexation

Property located at 2493 Enterprise Road

Name: Florida Premier Group

Street Address: 2493 Enterprise Road

Parcel ID: 8014-24-00-0010

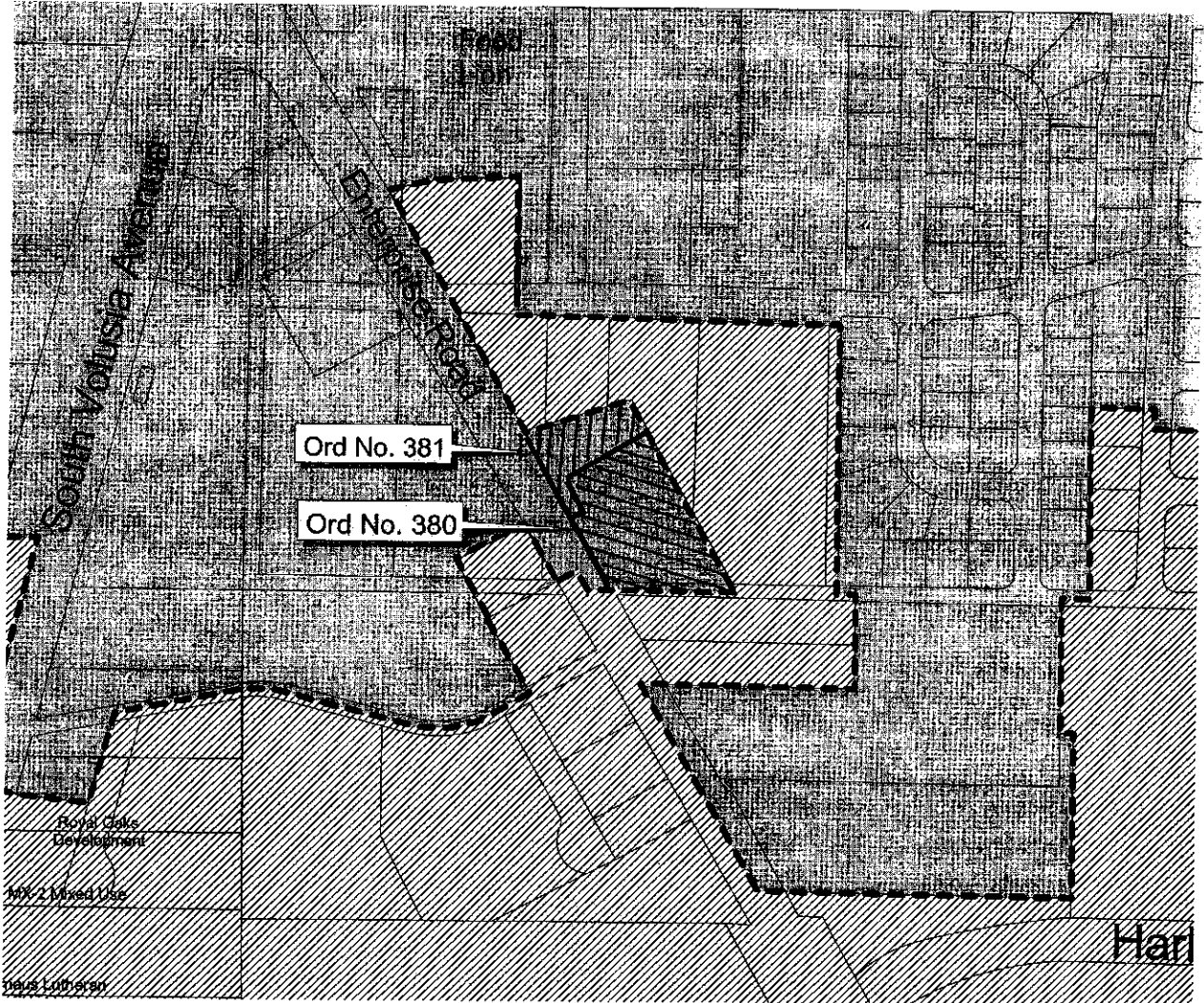
Acreage: 0.75

Legal Description: Lot 1, Arby's Plaza, Map Book 43, Page 146, Section 14, Township 18 South, Range 30 East, per Official Records 3980, Pages 0649-0653.

Attachment B

Ordinance No. 381

Florida Premier Annexation



Florida Premier Property Status Report

Ownership Status

| | | | | | |
|-----------------|-----------------------|-------|----------|-----|-------|
| Applicants Name | Bill Duke | | | | |
| Owners Name | Florida Premier Group | | | | |
| Company Name | N/A | | | | |
| Mailing Address | 4930 Mill Creek Court | | | | |
| City | Rochester | State | Michigan | Zip | 48306 |

General Description of Current Property Status:

| | | | | | |
|----------------------|--|---------|--------|---------|-------------|
| Property Location | Located on the east side of Enterprise Road approximately 300 feet south of Grand Plaza Drive. | | | | |
| Property Address | 2493 Enterprise Road | | | | |
| Size of Property | Width: | Various | Depth: | Various | Acres: 0.75 |
| Total Acres | 0.75 | | | | |
| Population | 0.0 | | | | |
| Number of Structures | One = built in 1985 | | | | |
| Dwelling Units | None | | | | |
| Building Square Feet | 3,156 | | | | |
| Parcel Number | 8014-24-00-0010 | | | | |
| Legal Description | See Attachment A to Ordinance 381 | | | | |

Current Revenue Status

| | Volusia County | Orange City |
|-------------------------|----------------|-------------|
| Total Millage Rate | (19.38832) | (19.26027) |
| City Millage Rate | N/A | (4.48000) |
| Assessed Land Value | 199,722 | 199,722 |
| Assessed Building Value | 214,903 | 214,903 |
| Exemption | 0 | 0 |
| Taxable Value | 414,625 | 414,625 |
| Stormwater | 558.72 | N/A |
| Total Ad Valorem | 8,038.88 | 7,985.79 |
| City Ad Valorem | N/A | 1,857.52 |

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) (B-4) Commercial General |
| The property is developed as Arby's restaurant. | |

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-2) Commercial General |

Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Florida Premier Group** Phone: *248-844-1460*
Business Name: **N/A** Phone: *586-415-2450*
Address: **4930 Mill Creek Road** Fax: *248-844-2244*
City: **Rochester** State: **Michigan** Zip: **48306-1639**
Mailing Address: **Same** e-mail: *B DUKE HC @ AOL.COM*
City: State: Zip:

Property Information

Property Address: **2493 Enterprise Road**

The subject property is located on the **East** Side of **Enterprise Road**

approximately **400** Feet **south** From its intersection with **Grand Plaza Drive**

Parcel Number: **8014-24-00-0010** Parcel Number: **N/A** Acres **0.75**

The existing land use of the property is **Restaurant**

Whereas, (I / We) **Florida Premier Group**

(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 Florida Premier 0010 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 MICHIGAN County of MACOMB

BILL E DUKE
Print Name

[Signature]
Signature MEMBER

KAREN Speelman
Print Name

[Signature]
Signature

Print Name

Signature

Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the 19 day of Jan 2009
who is/are personally known to me or has/ have produced DRIVERS LICENSE
as identification.

[Signature]
Signature, Notary Public

KAREN SPEELMAN
Notary Public, State of Michigan
County of Macomb
My Commission Expires Jul. 7, 2011
Macomb

Notary Stamp

The City of Orange City
Petition for Annexation