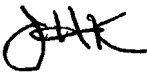


## MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**PREPARED BY:** Jim Kerr, City Planner 

**DATE:** July 20, 2009

**SUBJECT:** **Annexation of Burns Property – 8015-01-00-0410  
Located on Birch Avenue**

---

### **PURPOSE**

To approve a request from Valerie Burns to annex her property, located on Birch Avenue, into the City limits of Orange City.

### **BACKGROUND**

An annexation petition was received on April 18, 2009 from Valerie Burns, requesting the 0.31 acre property to be annexed into the City limits.

The Burns property is currently developed as an office facility. 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 \$139,489, thereby creating a potential City ad valorem revenue of \$624.91 under its current county zoning of B-4 Commercial General. 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. 399, thereby annexing the subject property into the City limits of Orange City.

## **ORDINANCE NO. 399**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE BURNS PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF BIRCH AVENUE, APPROXIMATELY 250 FEET WEST OF SOUTH VOLUSIA AVENUE, CONTAINING APPROXIMATELY 0.31 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**, Valerie Burns is the owner in fee simple of certain real property generally located on the north side of Birch Avenue, approximately 250 feet west of South Volusia Avenue, containing approximately 0.31 acres as hereinafter described, and

**WHEREAS**, the Burns property is currently situated within the jurisdiction of the County of Volusia, and

**WHEREAS**, the property owner is desirous of having her 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 her property pursuant to Florida Statute 171.044, and

**WHEREAS**, the City Council of the City of Orange City hereby finds that the Burns property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Burns 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 Burns property, generally located on the north side of Birch Avenue, approximately 250 feet west of South Volusia Avenue, containing approximately 0.31 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. 399):**

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. 399):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Paul Rasch	_____	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. 399**

### **Legal Description**

#### **Burns Annexation**

**Property located on Birch Avenue**

**Name: Valerie Burns**

**Street Address: 103 Birch Avenue**

**Parcel ID: 8015-01-00-0410**

**Acreage: 0.31**

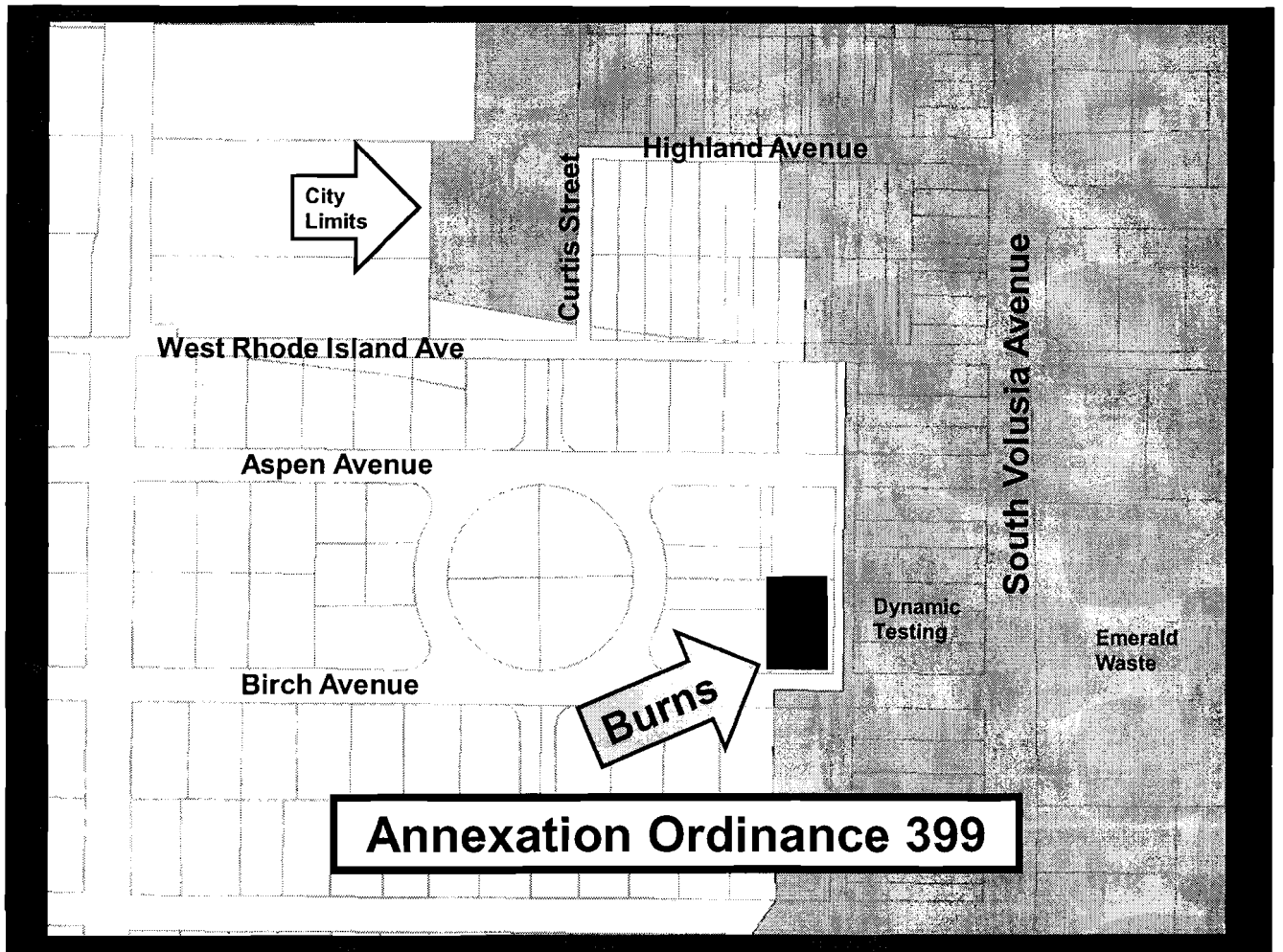
**Legal Description: Section 15, Township 18 South, Range 30 East**

**Lot 41, Spring Lakes Subdivision, according to the map thereof as recorded in Map Book 11, Page 255, Public Records of Volusia County, Florida**

# Attachment B

## Ordinance No. 399

### Burns Annexation



## Burns Property Status Report

### Ownership Status

Property Owner	Valerie Burns			
Applicants Name				
Mailing Address	1065 Torchwood Lane			
City	DeLand	State	Florida	Zip 32724

### General Description of Current Property Status :

Property Location	Located on the north side of Birch Avenue approximately 250 feet west of South Volusia Avenue.			
Property Address	103 Birch Avenue			
Size of Property	Width: 98.0	Depth: 140.0	Acres: 0.31	
Total Acres	0.31			
Population	None			
Number of Structures	One			
Dwelling Units	None			
Building Square Feet	1,156			
Parcel Number	8015-01-00-0410			
Legal Description	See Attachment A Legal Description to Ordinance 399			

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	89,454	89,454
Assessed Building Value	50,035	50,035
Exemption	0	0
Taxable Value	139,489	139,489
Stormwater	98.64	N/A
Total Ad Valorem	2,803.09	2,686.59
City Ad Valorem	N/A	624.91

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

<b>The subject property currently maintains the following:</b>	
Land Use Designation	(Volusia County) Commercial
Zoning	(Volusia County) B-4 Commercial General
The property usage is an office facility.	

### Detailed Subject Property Proposed Land Use and Zoning Description

<b>The subject property is proposed to be changed to the following:</b>	
Land Use Designation	(Orange City) CG Commercial General
Zoning	(Orange City) CG-2 Commercial General
The proposed property usage is a medical office.	

# Petition for Annexation

## Into the City of Orange City, Florida

Applicant's Name: **Valerie Burns** Phone:  
Business Name: Phone:  
Address: **1065 Torchwood Lane** Fax:  
City: **DeLand** State: **Florida** Zip: **32724**  
Mailing Address: **Same** e-mail:  
City: State: Zip:

### Property Information

Property Address: **103 Birch Avenue**

The subject property is located on the **north** side of **Birch Avenue**  
approximately **250** feet **west** from its intersection with **South Volusia Avenue**

Parcel Number: **8015-01-00-0410** Parcel Number: **N/A** Acres **0.31**

The existing land use of the property is **Office Building**

Whereas, (I / We) **Valerie Burns**  
(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 **Burns 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

Dalerie Burns  
Print Name

\_\_\_\_\_  
Print Name

Dalerie Burns  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name


\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Subscribed and sworn to (or affirmed) before me on this the 17<sup>th</sup> day of April 2009  
who is/are personally known to me or has/ have produced Florida Driver License  
as identification.

Barbara Turno  
Signature, Notary Public

NOTARY PUBLIC-STATE OF FLORIDA  
 Barbara Turno  
Commission # DD450962  
Expires: JULY 14, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

Notary Stamp

The City of Orange City  
Petition for Annexation