


## MEMORANDUM

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

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

**DATE:** July 16, 2009

**SUBJECT:** **Annexation of Ariel Ministries Property – 8001-00-00-0330  
Located on East Graves Avenue**

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### **PURPOSE**

To approve a request from Ariel Ministries to annex its property, located on East Graves Avenue, into the City limits of Orange City.

### **BACKGROUND**

An annexation petition was received on June 18, 2009 from Dennis Richards (Ariel Ministries, Inc.), requesting the 4.86 acre property to be annexed into the City limits.

The Ariel property is currently developed as a house of worship. 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 \$471,699. There is no City ad valorem revenue under its current county zoning of RR Rural Residential because of its IRS 501.C3 tax-exemption nonprofit status. 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. 401, thereby annexing the subject property into the City limits of Orange City.

## **ORDINANCE NO. 401**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE ARIEL MINISTRIES PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST GRAVES AVENUE, APPROXIMATELY 300 FEET WEST OF MONASTERY ROAD, CONTAINING APPROXIMATELY 4.86 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.**

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**WHEREAS**, Ariel Ministries, Inc. is the owner in fee simple of certain real property generally located on the north side of East Graves Avenue, approximately 300 feet west of Monastery Road, containing approximately 4.86 acres as hereinafter described, and

**WHEREAS**, the Ariel 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 Ariel property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Ariel 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 Ariel property, generally located on the north side of East Graves Avenue, approximately 300 feet west of Monastery Road, containing approximately 4.86 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. 401):**

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. 401):**

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. 401**

### **Legal Description**

#### **Ariel Ministries Annexation**

**Property located on East Graves Avenue**

**Name: Ariel Ministries Inc.**

**Street Address: 1525 East Graves Avenue**

**Parcel ID: 8001-00-00-0330**

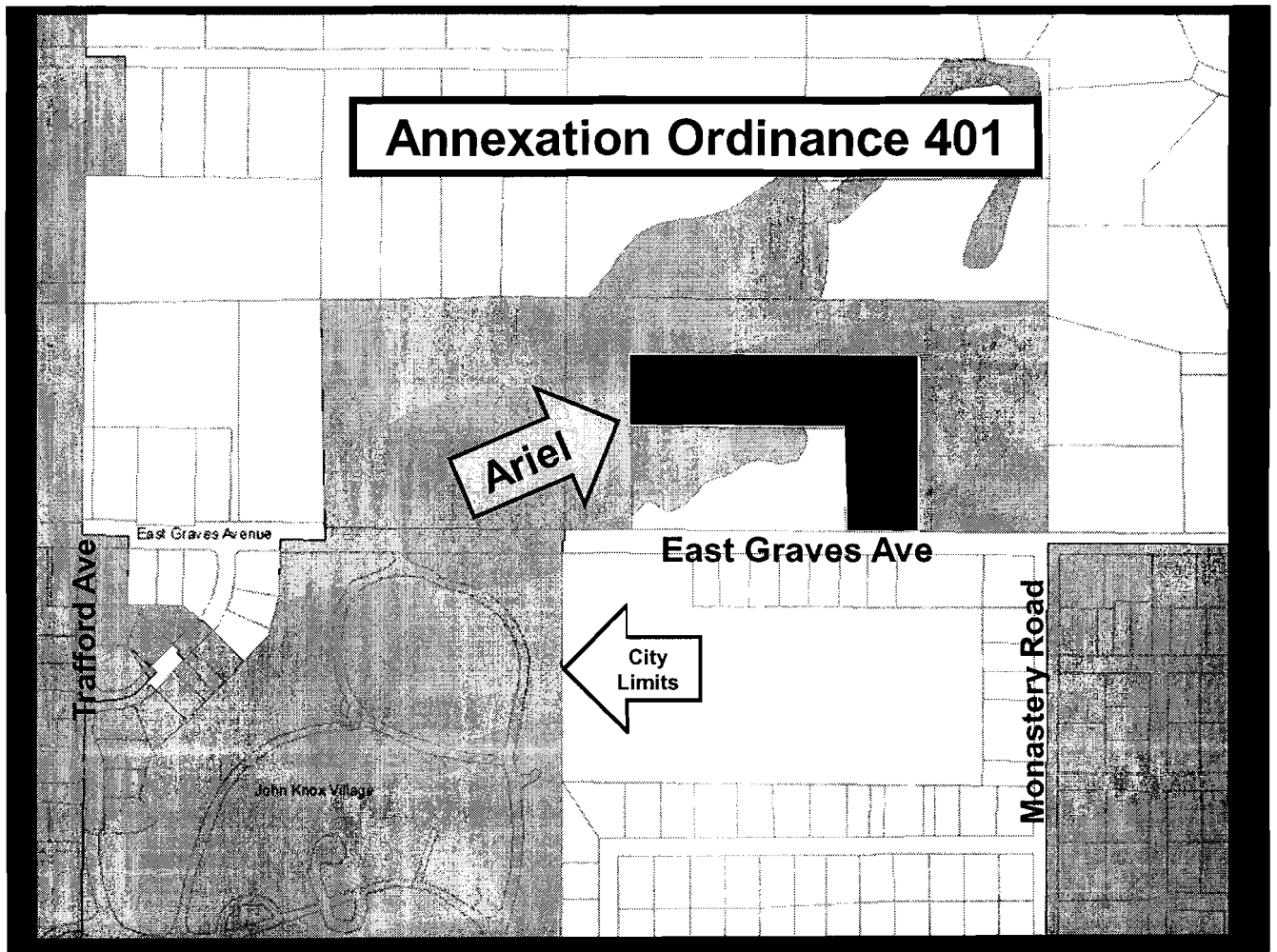
**Acreage: 4.86**

**Legal Description: The West 200 feet of the East 550 feet of the South 500 feet except the South 30 feet lying in East Graves Avenue thereof, and the North 200 feet of the South 500 feet of the West 589 feet of the East 1138 feet of the South 1/2 of the South 1/2 of Government Lot 10, Section 01, Township 18 South, Range 30 East, Volusia County, Florida**

# Attachment B

## Ordinance No. 401

### Ariel Ministries Annexation



## Ariel Ministries Property Status Report

### Ownership Status

Property Owner	<b>Ariel Ministries, Inc.</b>				
Applicants Name					
Mailing Address	<b>P.O.Box 730011</b>				
City	<b>Ormond Beach</b>	State	<b>Florida</b>	Zip	<b>32173</b>

### General Description of Current Property Status :

Property Location	<b>Located on the north side of East Graves Avenue approximately 300 feet west of Monastery Road.</b>				
Property Address	<b>1525 East Graves Avenue</b>				
Size of Property	Width:	<b>Irregular</b>	Depth:	<b>Irregular</b>	Acres: <b>4.65</b>
Total Acres	<b>4.86</b>				
Population	<b>None</b>				
Number of Structures	<b>None</b>				
Dwelling Units	<b>None</b>				
Building Square Feet	<b>1,705</b>				
Parcel Number	<b>8001-00-00-0330</b>				
Legal Description	<b>See Attachment A Legal Description to Ordinance 401</b>				

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	<b>(19.38832)</b>	<b>(19.26027)</b>
City Millage Rate	<b>N/A</b>	<b>(4.48000)</b>
Assessed Land Value	<b>349,830</b>	<b>349,830</b>
Assessed Building Value	<b>118,099</b>	<b>118,099</b>
Exemption	<b>3,770</b>	<b>3,770</b>
Taxable Value	<b>471,699</b>	<b>471,699</b>
Stormwater	<b>72.00</b>	<b>N/A</b>
Total Ad Valorem	<b>72.00</b>	<b>0</b>
City Ad Valorem	<b>N/A</b>	<b>0</b>

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	<b>(Volusia County) ULI Urban Low Intensity</b>
Zoning	<b>(Volusia County) RR Rural Residential</b>
	<b>The property usage is a house of worship.</b>

### 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	<b>(Orange City) MX Mixed Use</b>
Zoning	<b>(Orange City) MX-2 Mixed Use</b>
	<b>The property is proposed to continue as a house of worship.</b>

# Petition for Annexation

## Into the City of Orange City, Florida

Applicant's Name: **Ariel Ministries Inc.** Phone:

Business Name: Phone:

Address: **P.O. Box 730011** Fax:

City: **Ormond Beach** State: **Florida** Zip: **32173**

Mailing Address: **Same** e-mail:

City: State: Zip:

### Property Information

Property Address: **1525 East Graves Avenue**

The subject property is located on the **north** side of **East Graves Avenue**  
approximately **300** feet **west** from its intersection with **Monastery Road**

Parcel Number: **8001-00-00-0330** Parcel Number: **N/A** Acres **4.86**

The existing land use of the property is **House of Worship**

Whereas, (I / We) **Ariel Ministries Inc.**  
(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 Ariel 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

DENNIS RICHARDS  
Print Name  
Dennis Richards  
Signature

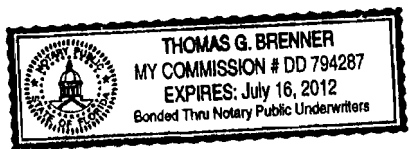
\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Signature

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

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

Subscribed and sworn to (or affirmed) before me on this the 16th day of June 2009  
who is/are personally known to me or has/ have produced \_\_\_\_\_  
as identification.

[Signature]  
Signature, Notary Public



Notary Stamp

The City of Orange City  
Petition for Annexation