

Meeting Date: 10/12/2010



Agenda Item # 5-B

CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: _____
Department/Contact # 386 775-5414 City Manager: *J. C. [Signature]*

- Type of Item:
- | | | | |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Public Hearing | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | Ordinance First Reading | <input type="checkbox"/> | Discussion & Action |
| <input type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Council Approval |

Subject: Annexation of Rocco/Murphy property into City limits – Ord. No. 434

BACKGROUND:

Jerry Rocco and Richard Murphy have requested their property to be annexed into the City limits, said property being located at 2065 North Volusia Avenue, and consisting of 1.42 acres. The subject property is developed as the commercial retail.

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 proposed 2010 tax roll information, the taxable value of the property is \$235,882, thereby creating a potential City ad valorem revenue of \$1,496.55 under its current county zoning of B-4 General Commercial. Additional revenues will be realized from utility taxes following annexation of the property. This property is located in District 4 and there are no residents onsite.

RECOMMENDATIONS:

City staff recommends that City Council approve and adopt Ordinance No. 434, therein annexing the subject property into the City limits of Orange City.

ATTACHMENTS:

- Annexation Ordinance No. 434
- Legal Description Exhibit A
- Map depicting the subject property Exhibit B
- Property Status Report
- Annexation Petition

FINANCIAL IMPACT:

None anticipated

Reviewed by City Attorney _____

Reviewed by Finance Dept. _____

Reviewed by: _____

| | | | |
|--|---|--|--|
| 1st Discussion Date: 10/12/2010 | 2nd Discussion Date: Click here to enter a date. | Third Discussion Date: Click here to enter a date. | Other Dates: Click here to enter a date. |
|--|---|--|--|

ORDINANCE NO. 434

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE ROCCO/MURPHY PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF NORTH VOLUSIA AVENUE, APPROXIMATELY 250 FEET NORTH OF ST LAWRENCE AVENUE, CONTAINING APPROXIMATELY 1.42 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, Jerry Rocco and Richard Murphy are the owners in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 250 feet north of St. Lawrence Avenue, containing approximately 1.42 acres as hereinafter described, and

WHEREAS, the Rocco/Murphy property is currently situated within the jurisdiction of the County of Volusia, and

WHEREAS, the property owners are desirous of having their property annexed into the City limits of the City of Orange City, Florida, and

WHEREAS, the property owners have petitioned the City of Orange City for voluntary annexation of their property pursuant to Florida Statute 171.044, and

WHEREAS, the City Council of the City of Orange City hereby finds that the Rocco/Murphy property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Rocco/Murphy 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 Rocco/Murphy property, generally located on the west side of North Volusia Avenue, approximately 250 feet north of St. Lawrence Avenue, containing approximately 1.42 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. 434):

First Reading this _____ day of _____, 2010.

| | | | |
|--------------------------|-------|----------------------------|-------|
| Jeff H. Allebach | _____ | Thomas Laputka, Vice Mayor | _____ |
| Tom Abraham | _____ | Anthony Pupello | _____ |
| Gary Blair | _____ | Bill Crippen | _____ |
| Harley Strickland, Mayor | _____ | | |

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 434):

Second Reading this _____ day of _____, 2010.

| | | | |
|--------------------------|-------|----------------------------|-------|
| Jeff H. Allebach | _____ | Thomas Laputka, Vice Mayor | _____ |
| Tom Abraham | _____ | Anthony Pupello | _____ |
| Gary Blair | _____ | Bill Crippen | _____ |
| Harley Strickland, Mayor | _____ | | |

PASSED and ADOPTED this _____ day of _____, 2010.

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. 434

Legal Description

Rocco/Murphy Annexation

Property located on North Volusia Avenue

Name: Jerry Rocco and Richard F. Murphy

Street Address: 2065 North Volusia Avenue

Parcel ID: 8003-02-00-0060

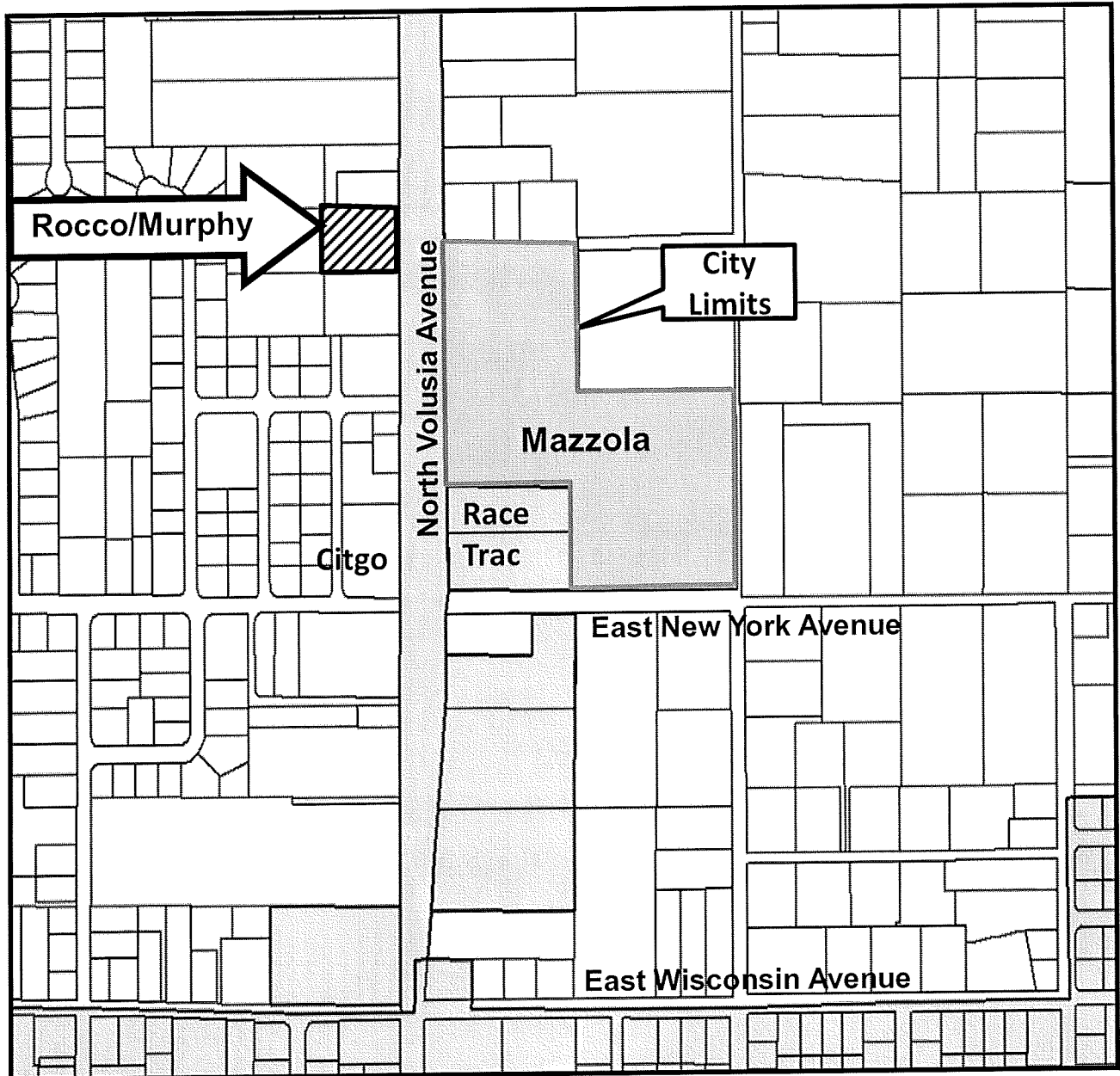
Acreage: 1.42

Legal Description: The West 300 feet of the East 338 feet of Lot 6, Orange City, DeLand Farms, a subdivision according to map in Map Book 5, Page 99, Public Records of Volusia County, Florida, said parcel lying in Section 3, Township 18 South, Range 30 East, Volusia County, Florida.

Attachment B

Ordinance No. 434

Rocco/Murphy Annexation Map



Rocco/Murphy Property Status Report

Ownership Status

| | | | | | |
|-----------------|--------------------------------|-------|---------|-----|-------|
| Property Owner | Jerry Rocco and Richard Murphy | | | | |
| Applicants Name | | | | | |
| Mailing Address | 231 South Florida Avenue | | | | |
| City | DeLand | State | Florida | Zip | 32720 |

General Description of Current Property Status :

| | | | | | | |
|----------------------|---|-----|--------|-----|--------|------|
| Property Location | Located on the west side of North Volusia Avenue approximately 250 feet north of St. Lawrence Avenue. | | | | | |
| Property Address | 2065 North Volusia Avenue | | | | | |
| Size of Property | Width: | 207 | Depth: | 300 | Acres: | 1.42 |
| Total Acres | 1.42 | | | | | |
| Population | None | | | | | |
| Number of Structures | Two commercial buildings | | | | | |
| Dwelling Units | None | | | | | |
| Building Square Feet | 512 and 512 | | | | | |
| Parcel Number | 8003-02-00-0060 | | | | | |
| Legal Description | See Attachment A Legal Description to Ordinance No. 434 | | | | | |

Current Revenue Status

| | Volusia County | Orange City |
|-------------------------|---------------------|---------------------|
| Total Millage Rate | (22.83330) Proposed | (23.68530) proposed |
| City Millage Rate | N/A | (6.34450) |
| Assessed Land Value | 223,560 | 223,560 |
| Assessed Building Value | 12,322 | 12,322 |
| Exemption | 0 | 0 |
| Taxable Value | 235,882 | 235,882 |
| Stormwater | 72.00 | N/A |
| Total Ad Valorem | 5,385.96 | 5,586.93 |
| City Ad Valorem | N/A | 1,496.55 |

The above revenues are based on the proposed assessed property value as listed in the Volusia County 2010 Tax Roll.

Subject Property Current Land Use and Zoning Description

| | |
|--|----------------------------------|
| The subject property currently maintains the following: | |
| Land Use Designation | (Volusia County) Commercial |
| Zoning | (Volusia County) B-4 Com General |
| The property usage is commercial retail. | |

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) CG Commercial General |
| Zoning | (Orange City) CG-1 Commercial General |
| The property is proposed to continue as commercial retail. | |

Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Jerry Rocco and Richard F. Murphy** Phone:

Business Name: Phone:

Address: **2221 Oak Hill Drive** Fax:

City: **DeLand** State: **Florida** Zip: **32724**

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

City: State: Zip:

Property Information

Property Address: **2065 North Volusia Avenue**

The subject property is located on the **west** side of **North Volusia Avenue**
approximately **450** feet **north** from its intersection with **St. Lawrence Avenue**

Parcel Number: **8003-02-00-0060** Parcel Number: Acres **1.42**

The existing land use of the property is **Commercial retail**

Whereas, (I / We) **Jerry Rocco and Richard F. Murphy**
(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 Rocco 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

JERRY ROCCO
Print Name
[Signature]
Signature

Richard Murphy
Print Name
[Signature]
Signature

Print Name

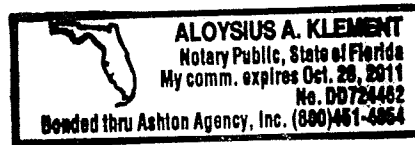
Signature

Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the 1 day of Sept 2010
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