

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 24th day of February, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Donald Sandford	<u>Absent</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 381):

Second Reading this 10th day of March, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Donald Sandford	<u>Vacant</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 10th day of March, 2009.

ATTEST:

Deborah J. Renner
Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

Harley Strickland
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr.
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

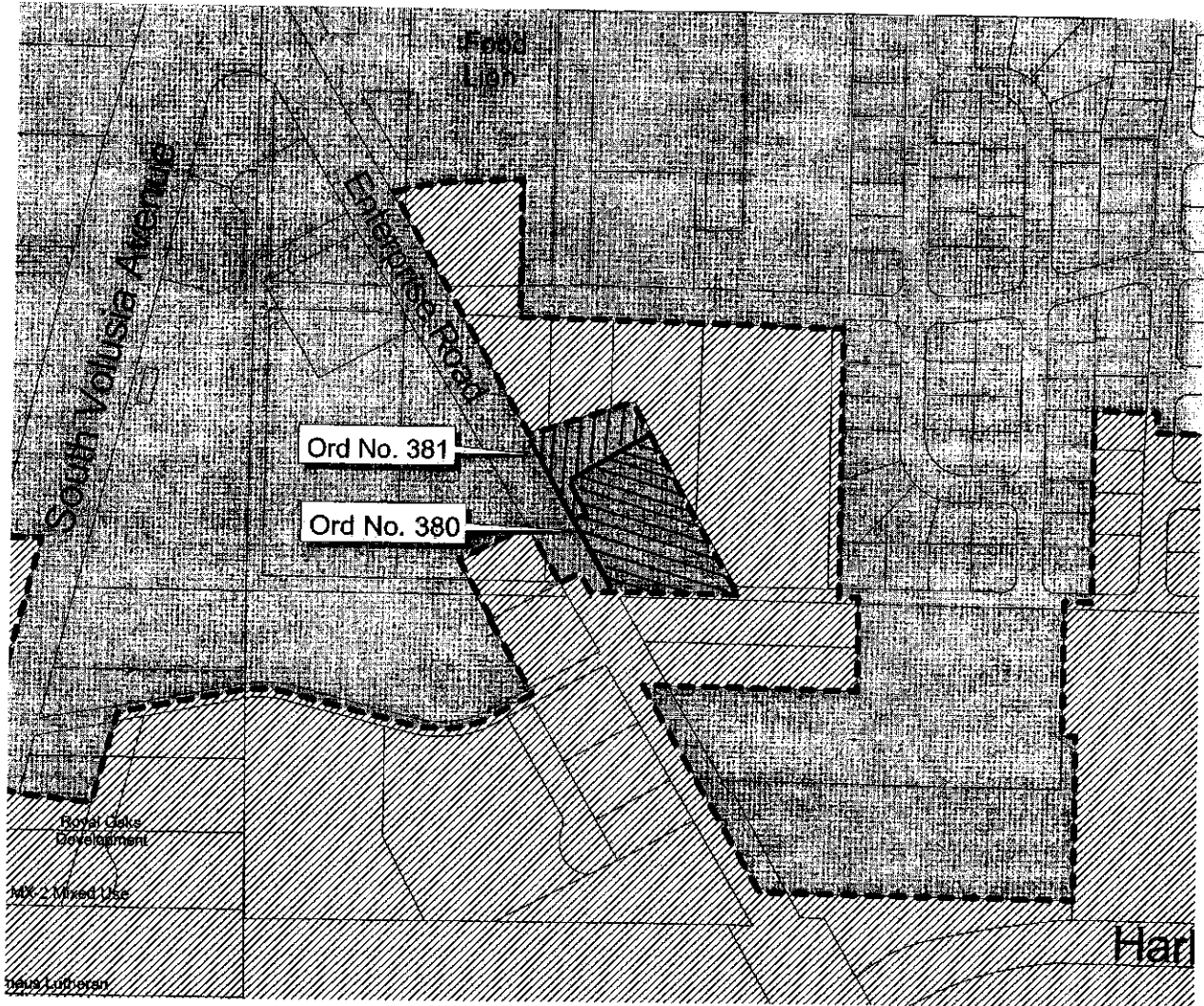
Acreage: 0.75

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: *248-844-1400*
Business Name: **N/A** Phone: *586-415-2950*
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

Bill E Duke
Signature MEMBER

KAREN Speelman
Print Name

Karen Speelman
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.

Karen Speelman
Signature, Notary Public

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

Notary Stamp

The City of Orange City
Petition for Annexation