

ORDINANCE NO. 389

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE GONZALEZ PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH SPARKMAN AVENUE, APPROXIMATELY 300 FEET NORTH OF WEST GARDENIA DRIVE, CONTAINING APPROXIMATELY 1.5 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, Fidelina Gonzalez is the owner in fee simple of certain real property generally located on the west side of South Sparkman Avenue, approximately 300 feet north of West Gardenia Drive, containing approximately 1.5 acres as hereinafter described, and

WHEREAS, the Gonzalez 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 Gonzalez property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Gonzalez 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 Gonzalez property, generally located on the west side of South Sparkman Avenue, approximately 300 feet north of West Gardenia Drive, containing approximately 1.5 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

his
~~the~~ adoption by the City Council of the City of Orange City, Florida. *and immediately after*
amended the legal effective date of annexation pursuant to Ordinance No. 388
on floor 5/26/08

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 389):

First Reading this 26th day of May, 2009.

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

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 389):

Second Reading this 9th day of June, 2009.

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

PASSED and ADOPTED this 9th day of June, 2009.

ATTEST:

Deborah J. Benner
Deborah J. Benner, 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. 389

Legal Description

Gonzalez Annexation

Property located on South Sparkman Avenue

Name: Fidelina Gonzalez

Street Address: 1935 South Sparkman Avenue

Parcel ID: 8015-00-00-0210

Acreage: 1.5

Legal Description: The South 660 feet of the North 990 feet of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida; Except the North 115 feet of the West 430 feet; and Except Fox Run Unit I, Map Book 37, Page 61, and Except Fox Run Unit III, Map Book 40, Page 33.

Attachment B

Ordinance No. 389

Gonzalez Annexation

