

## ORDINANCE NO. 390

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MONROE INVESTMENTS PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF VETERANS MEMORIAL PARKWAY, APPROXIMATELY 2,250 FEET SOUTH OF EAST GRAVES AVENUE, CONTAINING APPROXIMATELY 4.65 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**, Monroe Investments, LLC is the owner in fee simple of certain real property generally located on the north side of Veterans Memorial Parkway, approximately 2,250 feet south of East Graves Avenue, containing approximately 4.65 acres as hereinafter described, and

**WHEREAS**, the Monroe 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 Monroe property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Monroe 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 Monroe property, generally located on the north side of Veterans Memorial Parkway, approximately 2,250 feet south of East Graves Avenue, containing approximately 4.65 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. 390):**

First Reading this 9<sup>th</sup> 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>		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 390):**

Second Reading this 23<sup>rd</sup> 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 23<sup>rd</sup> day of June, 2009.

**ATTEST:**

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

**AUTHENTICATED:**

Harley Strickland  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

Robin H. Drage for  
William E. Reischmann, Jr., City Attorney

# **Attachment A**

## **Ordinance No. 390**

### **Legal Description**

#### **Monroe Investments Annexation**

**Property located on Veterans Memorial Parkway**

**Name: Monroe Investments LLC**

**Street Address: Veterans Memorial Parkway**

**Parcel ID: 8012-04-00-0190 and 8012-04-00-0200**

**Acreage: 4.65**

**Legal Description: Lot 19, North of Veterans Memorial Parkway, and Lot 20, North of Veterans Memorial Parkway, Country Woods, according to the plat thereof as recorded in Map Book 37, Pages 112 and 113, of the Public Records of Volusia County, Florida, Lying in Section 12, Township 18 South, Range 30 East, Being more specifically described as follows.**

**Begin at the Northwest corner of aforesaid Lot 20; Thence run North 89°48'25" East along the north line of said Lot 20, for a distance of 670.16 feet to the Northeast corner of said Lot 20, also being a point on the West line of ORANGE CITY HEIGHTS "Section A", according to the Plat thereof as recorded in Map Book 19, Page 6 of the Public Records of Volusia County, Florida; Thence run South 00°10'42" East along said West line and East line of aforesaid Lot 20, for a distance of 156.86 feet to a point on the North right of way line of Veterans Memorial Parkway, also being a point on a curve concave to the Northwest, having a radius of 1840.00 feet, Thence from a tangent bearing of North 57°20'35" East, run Southwesterly along the arc of said curve also being the North right of way line of Veterans Memorial Parkway, through a central angle of 16°27'37" and an arc length of 528.61 feet to a point of curvature; Thence run South 73°48'12" East, for a distance of 153.81 feet to a point on the West line of aforesaid Lot 19; Thence departing aforesaid North right of way line, run North**

12'04'40" West along aforesaid West line, also being the East line of Lot 18, COUNTRY WOODS, according to the Plat thereof as recorded in Map Book 37, Pages 112 through 113 of the Public Records of Volusia County, Florida, for a distance of 280.21 feet to the Northwest corner of aforesaid Lot 19, also being the Northeast corner of aforesaid Lot 18, also being a point on the cul-de-sac right of way of OAKLAND COURT, as described in COUNTRY WOODS, according to the Plat thereof as recorded in Map Book 37, Pages 112 through 113 of the Public Records of Volusia County, Florida, also being a point on a curve concave to the Northwest, having a radius of 68.00 feet, Thence from a tangent bearing of North 77°42'52" East, run Northeasterly along the arc of said curve also being the right of way line of aforesaid OAKLAND COURT, through a central angle of 131°36'33" and an arc length of 156.20 feet to a point of reverse curvature, concave to the Northeast, having a radius of 25.00 feet, Thence run Northwesterly along the arc of said curve through a central angle of 53°44'37", for a distance of 23.45 feet to the aforesaid Point of Beginning.  
Containing 202,775.19 square feet or 4.654 acres more or less.

# Attachment B

## Ordinance No. 390

### Monroe Investments Annexation

