

## 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.

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**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 12<sup>th</sup> day of October, 2010.

Jeff H. Allebach	<u>yes</u>	Thomas Laputka, Vice Mayor	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>yes</u>	Bill Crippen	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

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

Second Reading this 26<sup>th</sup> day of October, 2010.

Jeff H. Allebach	<u>yes</u>	Thomas Laputka, Vice Mayor	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>yes</u>	Bill Crippen	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 26<sup>th</sup> day of October, 2010.

**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. 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

