

ORDINANCE NO. 436

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE SMITH 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 800 FEET NORTH OF ST LAWRENCE AVENUE, CONTAINING APPROXIMATELY 4.40 ACRES; IN ACCORDANCE WITH THE VOLUNTARY ANNEX-ATION 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, Robert Smith is the owner in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 800 feet north of St. Lawrence Avenue, containing approximately 4.40 acres as hereinafter described, and

WHEREAS, the Smith 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 Smith property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Smith 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 Smith property, generally located on the west side of

North Volusia Avenue, approximately 800 feet north of St. Lawrence Avenue, containing approximately 4.40 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. 436):

First Reading this 9th day of November, 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. 436):

Second Reading this 14th day of December, 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, <i>Vice Mayor</i>	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 14th day of December, 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. 436

Legal Description

Smith Annexation

Property located on North Volusia Avenue

Name: Robert Smith

Street Address: 2161 North Volusia Avenue

Parcel ID: 8003-02-00-0061, 8003-02-00-0050, 8003-02-00-0053

Acreage: 1.82 and 1.82 and 0.76 = 4.40

Legal Description: The West 682 feet of Lot 6, except the West 300 feet, Orange City DeLand Farms, according to the plat thereof recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida,

AND

Lot 5, except the West 300 feet, and except the East 348 feet on the South line, Orange City DeLand Farms, according to the plat thereof recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida,

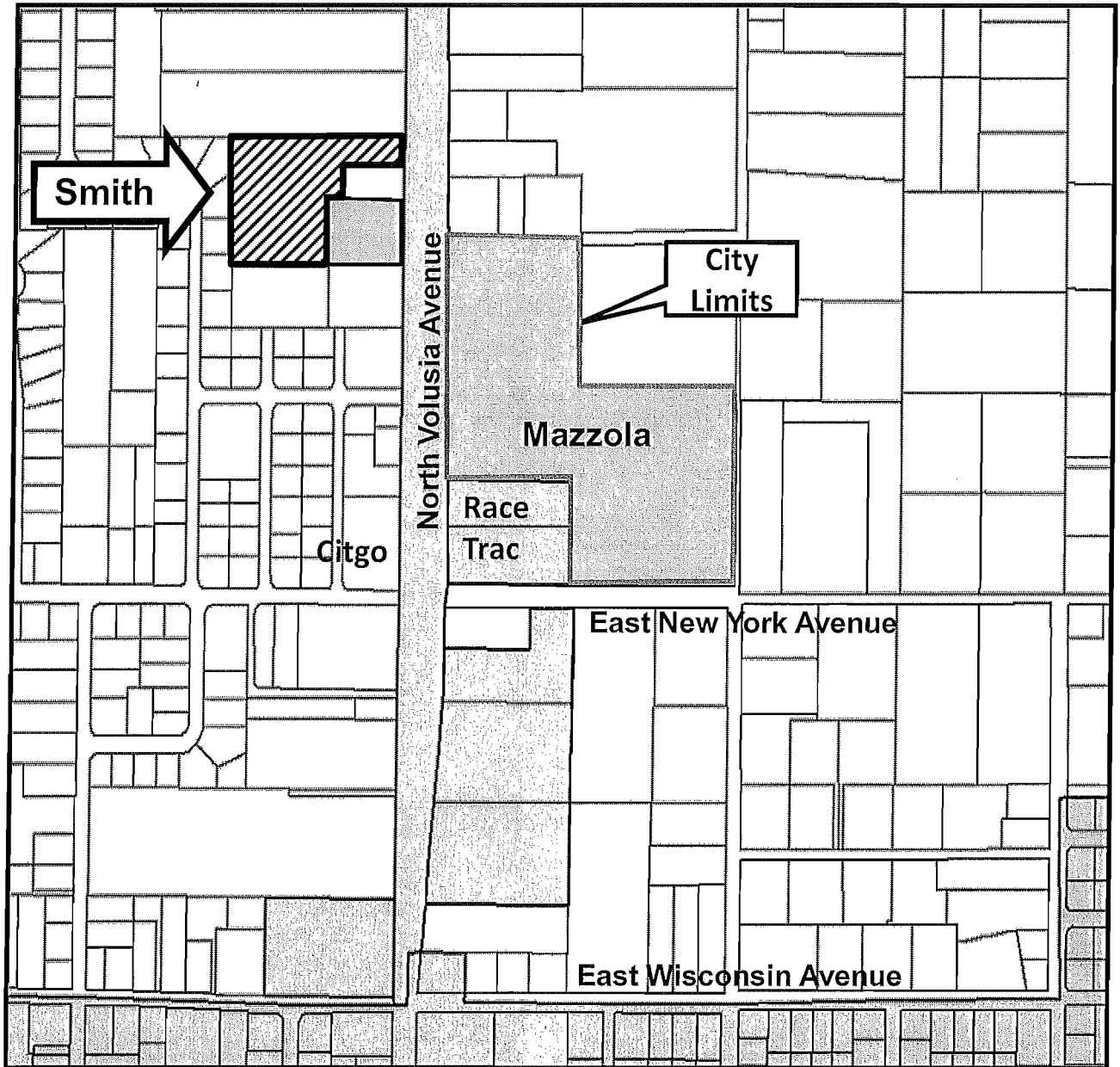
AND

The East 348.07 feet of Lot 5, Orange City DeLand Farms, according to the plat thereof recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida, less and except that portion in the right-of-way of U.S. Highway 17-92, and less and except that portion of Lot 5, Orange City DeLand Farms, as described in the warrantee deed made between Ganim Development Co., Inc. and Lorraine L. Becker and James Jack Becker on the 15th day of August 1979, and recorded in OR Book 2099, Page 1765, of the Public Records of Volusia County, Florida, said parcels lying in Section 3, Township 18 South, Range 30 East, Volusia County, Florida.

Attachment B

Ordinance No. 436

Smith Annexation Map



Smith Property Status Report

Ownership Status

Property Owner	Robert Smith				
Applicants Name					
Mailing Address	1 West Highbanks Road				
City	DeBary	State	Florida	Zip	32713

General Description of Current Property Status :

Property Location	Located on the west side of North Volusia Avenue approximately 800 feet north of St. Lawrence Avenue.				
Property Address	2161 North Volusia Avenue				
Size of Property	Width:	Irregular	Depth:	Irregular	Acres: 4.40
Total Acres	4.40				
Population	None				
Number of Structures	One commercial building				
Dwelling Units	None				
Building Square Feet	512 and 512				
Parcel Number	8003-02-00-0061, 8003-02-00-0050, 8003-02-00-0053				
Legal Description	See Attachment A Legal Description to Ordinance No. 436				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(22.56410)	(23.41610)
City Millage Rate	N/A	(6.34450)
Assessed Land Value	191,460	191,460
Assessed Building Value	18,687	18,687
Exemption	0	0
Taxable Value	210,147	210,147
Stormwater	277.92	N/A
Total Ad Valorem	5,019.70	4,920.82
City Ad Valorem	N/A	1,333.27

The above revenues are based on the 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 and Urban Low Intensity
Zoning	(Volusia County) B-4 Com General and R-4 Urban Single Family Res
The property usage is commercial retail and vacant residential.	

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: **Robert Smith**

Phone:

Business Name:

Phone:

Address: **1 West Highbanks Road**

Fax:

City: **DeBary**

State: **Florida**

Zip: **32713**

Mailing Address: **Same**

e-mail:

City:

State:

Zip:

Property Information

Property Address: **2161 North Volusia Avenue**

The subject property is located on the **west** side of **North Volusia Avenue**

approximately **800** feet **north** from its intersection with **St. Lawrence Avenue**

Parcel Number: **8003-02-00-0061** Parcel Number: **0050 and 0053** Acres **4.40**

The existing land use of the property is **Vacant Residential and commercial retail**

Whereas, (I / We) **Robert Smith**

(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 Smith 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

Robert Smith

Print Name

[Signature]

Signature

Print Name

Signature

Print Name

Signature

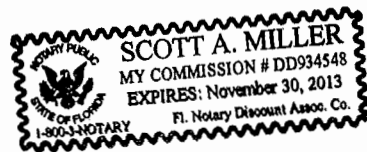
Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the 28 day of September 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

Attachment A

Legal Description Smith Annexation

Property located on North Volusia Avenue

Name: **Robert Smith**

Street Address: **2161 North Volusia Avenue**

Parcel ID: **8003-02-00-0061, 8003-02-00-0050, 8003-02-00-0053**

Acreage: **1.82 and 1.82 and 0.76 = 4.40**

Legal Description: **The West 682 feet of Lot 6, except the West 300 feet, Orange City DeLand Farms, according to the plat thereof recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida,**

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AND

The East 348.07 feet of Lot 5, Orange City DeLand Farms, according to the plat thereof recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida, less and except that portion in the right-of-way of U.S. Highway 17-92, and less and except that portion of Lot 5, Orange City DeLand Farms, as described in the warrantee deed made between Ganim Development Co., Inc. and Lorraine L. Becker and James Jack Becker on the 15th day of August 1979, and recorded in OR Book 2099, Page 1765, of the Public Records of Volusia County, Florida, said parcels lying in Section 3, Township 18 South, Range 30 East, Volusia County, Florida.