

ORDINANCE NO. 447

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE SENEZ 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 600 FEET SOUTH OF WEST MINNESOTA AVENUE, CONTAINING APPROXIMATELY 9.35 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, The Senez Family Properties, LLC is the owner in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 600 feet south of West Minnesota Avenue, containing approximately 9.35 acres as hereinafter described, and

WHEREAS, the Senez 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 Senez property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Senez 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 Senez property, generally located on the west side of North Volusia Avenue, approximately 600 feet south of West Minnesota Avenue, containing approximately 9.35 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. 447):

First Reading this 17th day of January, 2011.

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

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 447):

Second Reading this 8th day of February, 2011.

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

PASSED and ADOPTED this 8th day of February, 2011.

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

Legal Description Senez Annexation

Property located on North Volusia Avenue

Name: **Senez Family Properties, LLC**

Street Address: **2235 and 2375 North Volusia Avenue**

Parcel ID: **8003-02-00-0040 and 8003-02-00-0030**

Acreage: **4.67 and 4.68 = 9.35**

Legal Description: **Lot 4, Orange City DeLand Farms, according to the plat thereof as recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida,**

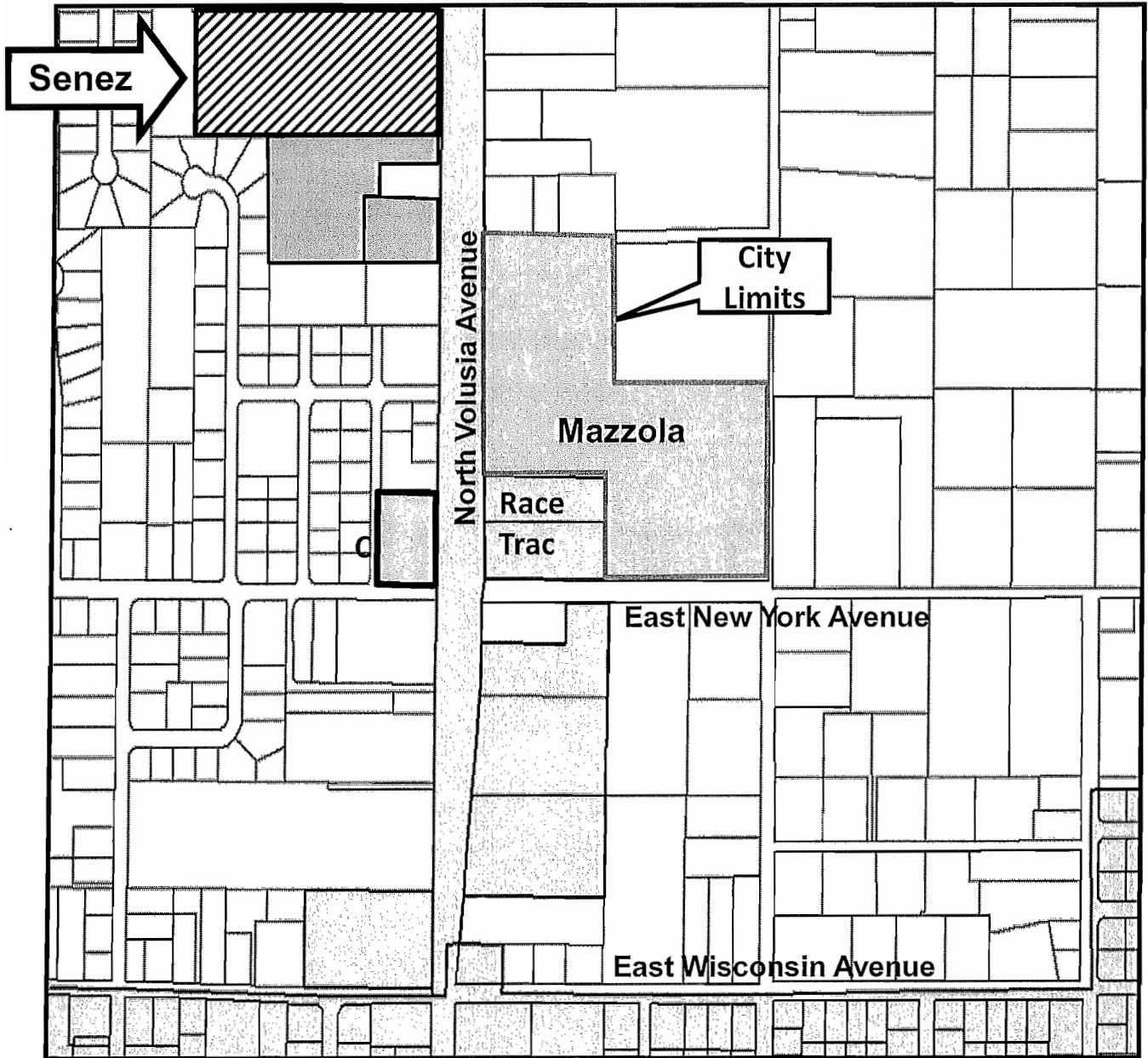
and

Lot 3, except State Road, Orange City DeLand Farms, according to the plat thereof as recorded in Map Book 5, Page 99, of the 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. 447

Senez Annexation Map



Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Senez Family Properties, LLC**

Phone:

Business Name:

Phone:

Address: **225 White Dove Court**

Fax:

City: **Orange City**

State: **Florida**

Zip: **32763**

Mailing Address: **Same**

e-mail:

City:

State:

Zip:

Property Information

Property Address: **2235 and 2375 North Volusia Avenue**

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

approximately **600** feet **south** from its intersection with **West Minnesota Avenue**

Parcel Number: **8003-02-00-0040** Parcel Number: **8003-02-00-0030** Acres **9.35**

The existing land use of the property is **Commercial**

Whereas, (I / We) **Senez Family Properties, LLC**

(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 Senez 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

Bernard E. Gomez Sr.
Print Name

Bernard E. Gomez Sr.
Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the 21st day of October 2010
who is/are personally known to me or has/ have produced _____
as identification.

Jennifer L. Christmas
Signature, Notary Public

Notary Stamp

The City of Orange City
Petition for Annexation

