

APR 07 2009

*Page 1*

## MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**PREPARED BY:** Jim Kerr, City Planner *JKK*

**DATE:** April 6, 2009

**SUBJECT:** **Annexation of Herminio and Elba Mercado Property  
Located at 886 Florida Avenue**

---

### PURPOSE

To approve a request from Herminio and Elba Mercado to annex their property, located at 886 Florida Avenue, into the City limits of Orange City.

### BACKGROUND

An annexation petition was received on March 20, 2009 from Mr. and Mrs. Mercado, requesting the 0.51 acre property to be annexed into the City limits.

The Mercado property is currently developed as a single family residence. The annexation of this property continues City Council's intent to "square off" and "fill-in" areas within the City's designated planning area. Based on the 2008 tax roll information, the taxable value of the property is \$71,885, thereby creating a potential City ad valorem revenue of \$322.04 under its current county zoning of R-4 Urban Single Family Residential. Additional revenues will be realized from ad Valorem and utility taxes following annexation of the property.

Attached is the annexation Ordinance, a property status report describing the property, a copy of the annexation petition, and a map depicting the area proposed to be annexed.

### RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 384, thereby annexing the subject property into the City limits of Orange City.

## **ORDINANCE NO. 384**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MERCADO PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF FLORIDA AVENUE, APPROXIMATELY 300 FEET EAST OF ENTERPRISE ROAD, CONTAINING APPROXIMATELY 0.51 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**, Herminio and Elba Mercado are the owners in fee simple of certain real property generally located on the south side of Florida Avenue, approximately 300 feet east of Enterprise Road, more specifically located at 886 Florida Avenue, containing approximately 0.51 acres as hereinafter described, and

**WHEREAS**, the Mercado property is currently situated within the jurisdiction of the County of Volusia, and

**WHEREAS**, the property owner is desirous of having their 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 their property pursuant to Florida Statute 171.044, and

**WHEREAS**, the City Council of the City of Orange City hereby finds that the Mercado property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Mercado 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 Mercado property, generally located on the south side of Florida Avenue, approximately 300 feet east of Enterprise Road, more specifically located at 886 Florida Avenue, containing approximately 0.51 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. 384):**

First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Paul Rasch	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 384):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Paul Rasch	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

**AUTHENTICATED:**

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

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney

# **Attachment A**

## **Ordinance No. 384**

### **Legal Description**

#### **Mercado Annexation**

**Property located on Florida Avenue**

**Name: Herminio and Elba Mercado**

**Street Address: 886 Florida Avenue**

**Parcel ID: 8023-01-07-0090**

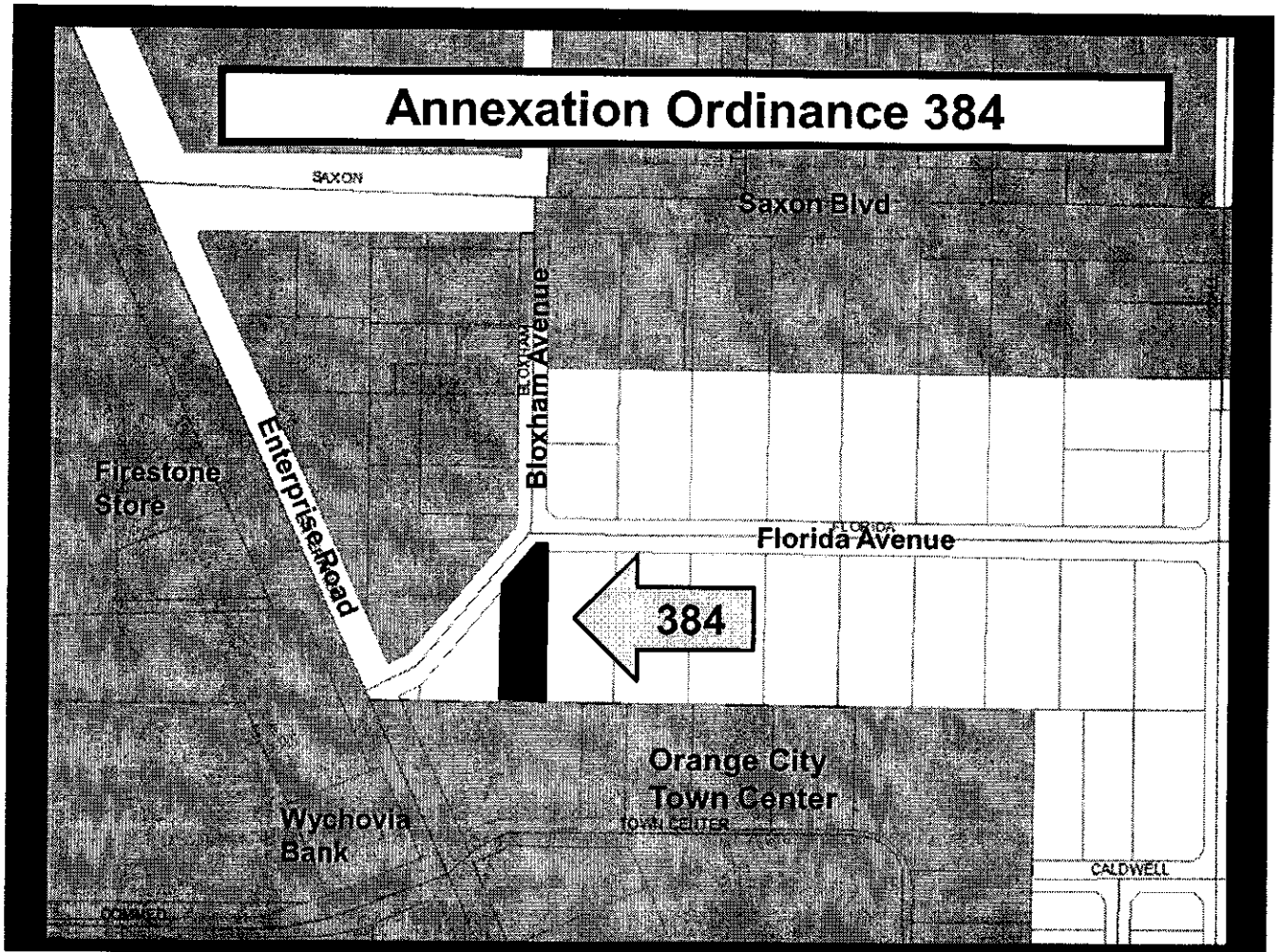
**Acreage: 0.51**

**Legal Description: Lot 9, Block 7, Less the East 144.09 feet, and less the West 230 feet, Orange City Estates, Units 1 & 2, according to the plat thereof as recorded in Map Book 23, Pages 61 and 62, of the Public Records of Volusia County, Florida, Section 23, Township 18 South, Range 30 East, Per Official Records 4228, Page 2292.**

# Attachment B

## Ordinance No. 384

### Mercado Annexation – Ord No 384



# Mercado Property Status Report

## Ownership Status

Applicants Name	Herminio and Elba Mercado				
Owners Name	N/A				
Company Name	N/A				
Mailing Address	886 Florida Avenue				
City	Orange City	State	Florida	Zip	32763-8421

## General Description of Current Property Status:

Property Location	Located on the south side of Florida Avenue approximately 300 feet east of Enterprise Road.				
Property Address	886 Florida Avenue				
Size of Property	Width:	Various	Depth:	Various	Acres: 0.51
Total Acres	0.51				
Population	2.0				
Number of Structures	One = built in 1980				
Dwelling Units	One				
Building Square Feet	1,198				
Parcel Number	8023-01-07-0090				
Legal Description	See Attachment A legal description to Ordinance 384				

## Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	60,587	60,587
Assessed Building Value	71,014	71,014
Exemption	25,000	25,000
Taxable Value	71,885	71,885
Stormwater	72.00	N/A
Total Ad Valorem	1,465.72	1,384.52
City Ad Valorem	N/A	322.04

The above revenues are based on the current assessed property value as listed in the Volusia County 2008 Tax Roll.

## Subject Property Current Land Use and Zoning Description

<b>The subject property currently maintains the following:</b>	
Land Use Designation	(Volusia County) (ULI) Urban Low Intensity
Zoning	(Volusia County) (R-4) Urban Single Family Residential
	The property is developed as single family residential.

## Subject Property Proposed Land Use and Zoning Description

<b>The subject property is proposed to be changed to the following:</b>	
Land Use Designation	(Orange City) (CG) Commercial General
Zoning	(Orange City) (CG-2) Commercial General

# Petition for Annexation

## Into the City of Orange City, Florida

Applicant's Name: **Herminio and Elba Mercado**

Phone:

Business Name: **N/A**

Phone:

Address: **886 Florida Avenue**

Fax:

City: **Orange City**

State: **Florida**

Zip: **32763-8421**

Mailing Address: **Same**

e-mail:

City:

State:

Zip:

### Property Information

Property Address: **886 Florida Avenue**

The subject property is located on the **south** side of **Florida Avenue**

approximately **300** feet **East** from its intersection with **Enterprise Road**

Parcel Number: **8023-01-07-0090**

Parcel Number: **N/A**

Acres **0.51**

The existing land use of the property is **Single family residential**

Whereas, (I / We) **Herminio and Elba Mercado**

(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 Mercado 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

Herminio Mercado  
Print Name

Herminio Mercado  
Signature

Elba A. Mercado  
Print Name

Elba A. Mercado  
Signature

\_\_\_\_\_  
Print Name


\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Subscribed and sworn to (or affirmed) before me on this the 20<sup>th</sup> day of March 2009  
who is/are personally known to me or has/ have produced Florida drivers licenses  
as identification.

Francine Hamanne  
Signature, Notary Public

NOTARY PUBLIC-STATE OF FLORIDA  
 Francine Hamanne  
Commission # DD584666  
Expires: SEP 17, 2010  
BONDED THRU ATLANTIC BONDING CO., INC.

Notary Stamp

The City of Orange City  
Petition for Annexation

# **Attachment A**

## **Legal Description Mercado Annexation**

**Property located on Florida Avenue**

**Name: Herminio and Elba Mercado**

**Street Address: 886 Florida Avenue**

**Parcel ID: 8023-01-07-0090**

**Acreage: 0.51**

**Legal Description: Lot 9, Block 7, Less the East 144.09 feet, and less the West 230 feet, Orange City Estates, Units 1 & 2, according to the plat thereof as recorded in Map Book 23, Pages 61 and 62, of the Public Records of Volusia County, Florida, Section 23, Township 18 South, Range 30 East, Per Official Records 4228, Page 2292.**