

APR 07 2009

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MEMORANDUM

TO: Honorable Mayor and City Council Members

PREPARED BY: Jim Kerr, City Planner *JKK*

DATE: April 6, 2009

SUBJECT: **Annexation of Todd and Becky James Property
Located on West Fern Drive**

PURPOSE

To approve a request from Todd and Becky James to annex their property, located on West Fern Drive, into the City limits of Orange City.

BACKGROUND

An annexation petition was received on April 3, 2009 from Todd and Becky James, requesting their 2.30 acre property to be annexed into the City limits.

The James property is currently vacant and undeveloped. 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 \$86,124, thereby creating a potential City ad valorem revenue of \$385.83 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. 387, thereby annexing the subject property into the City limits of Orange City.

ORDINANCE NO. 387

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE JAMES PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF WEST FERN DRIVE, APPROXIMATELY 750 FEET EAST OF PECAN DRIVE, CONTAINING APPROXIMATELY 2.30 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, Todd and Becky James are the owners in fee simple of certain real property generally located on the north side of West Fern Drive, approximately 750 feet east of Pecan Drive, containing approximately 2.30 acres as hereinafter described, and

WHEREAS, the James 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 James property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the James 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 James property, generally located on the north side of West Fern Drive, approximately 750 feet east of Pecan Drive, containing approximately 2.30 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. 387):

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. 387):

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. 387

Legal Description

James Annexation

Property located on West Fern Drive

Name: **Todd and Becky James**

Street Address: **455 West Fern Drive**

Parcel ID: **8015-00-00-0203**

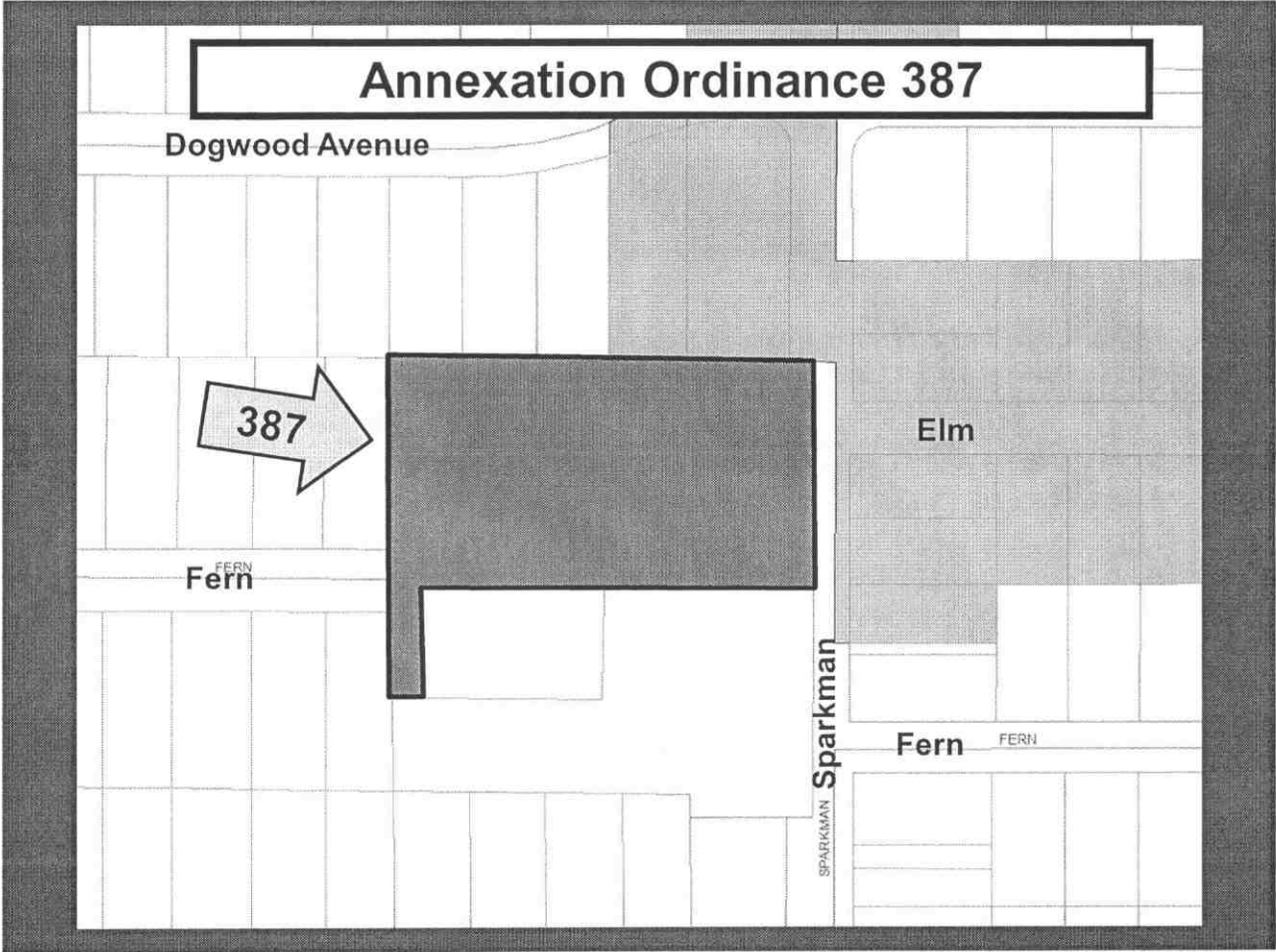
Acreage: **2.30**

Legal Description: **The North 330 feet of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida; LESS AND EXCEPT that portion thereof lying also within Fox Run Unit Two, a subdivision according to map in Map Book 38, Page 46; Public Records of Volusia County, Florida; and LESS AND EXCEPT that portion thereof lying also within Fox Run Unit Three, a subdivision according to map in Map Book 40, Page 33, Public Records of Volusia County, Florida; and LESS AND EXCEPT any portion thereof lying also within the Right of Way of South Sparkman Avenue. AND the South 115 feet of the North 445 feet of the West 250 feet of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida; LESS AND EXCEPT that portion thereof lying also within Fox Run Unit Three, a subdivision according to map in Map Book 40, Page 33, Public Records of Volusia County, Florida.**

Attachment B

Ordinance No. 387

Todd James Annexation – Ord No 387



Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Todd A. and Becky E. James** Phone:

Business Name: **N/A** Phone:

Address: **525 Charles Avenue** Fax:

City: **Orange City** State: **Florida** Zip: **32763**

Mailing Address: **Same** e-mail:

City: State: Zip:

Property Information

Property Address: **455 West Fern Drive**

The subject property is located on the **north** side of **West Fern Drive**

approximately **750** feet **east** from its intersection with **Pecan Drive**

Parcel Number: **8015-00-00-0203** Parcel Number: **N/A** Acres **2.3**

The existing land use of the property is **Vacant and undeveloped**

Whereas, (I / We) **Todd A. and Becky E. James**
(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 James 0203 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

TODD JAMES
Print Name

Todd James
Signature

Print Name

Signature

Becky James
Print Name

Becky James
Signature

Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the 3 day of April 2009
who is/are personally known to me or has/ have produced drivers license
as identification.

L. Elaine Wilson
Signature, Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
L. Elaine Wilson
Commission # DD596641
Expires: NOV. 01, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

Notary Stamp

The City of Orange City
Petition for Annexation

James Property Status Report

Ownership Status

Applicants Name	Todd and Becky James				
Owners Name	N/A				
Company Name	N/A				
Mailing Address	525 Charles Avenue				
City	Orange City	State	Florida	Zip	32763

General Description of Current Property Status:

Property Location	Located on the north side of west Fern Drive approximately 750 feet east of Pecan Drive.				
Property Address	455 West Fern Drive				
Size of Property	Width:	Various	Depth:	Various	Acres: 2.30
Total Acres	2.30				
Population	None				
Number of Structures	None				
Dwelling Units	None				
Building Square Feet	None				
Parcel Number	8015-00-00-0203				
Legal Description	See Attachment A legal description to Ordinance 387				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	86,124	86,124
Assessed Building Value	0	0
Exemption	0	0
Taxable Value	86,124	86,124
Stormwater	0	N/A
Total Ad Valorem	1,669.80	1,658.77
City Ad Valorem	N/A	385.83

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

The subject property currently maintains the following:	
Land Use Designation	(Volusia County) (ULI) Urban Low Intensity
Zoning	(Volusia County) (R-4) Urban Single Family Residential
	The property is vacant and undeveloped.

Subject Property Proposed Land Use and Zoning Description

The subject property is proposed to be changed to the following:	
Land Use Designation	(Orange City) (RL) Residential Low
Zoning	(Orange City) (R-1) Low Density Residential

Attachment A

Legal Description James Annexation

Property located on West Fern Drive

Name: **Todd and Becky James**

Street Address: **455 West Fern Drive**

Parcel ID: **8015-00-00-0203**

Acreage: **2.30**

Legal Description: **The North 330 feet of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida; LESS AND EXCEPT that portion thereof lying also within Fox Run Unit Two, a subdivision according to map in Map Book 38, Page 46; Public Records of Volusia County, Florida; and LESS AND EXCEPT that portion thereof lying also within Fox Run Unit Three, a subdivision according to map in Map Book 40, Page 33, Public Records of Volusia County, Florida; and LESS AND EXCEPT any portion thereof lying also within the Right of Way of South Sparkman Avenue. AND the South 115 feet of the North 445 feet of the West 250 feet of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida; LESS AND EXCEPT that portion thereof lying also within Fox Run Unit Three, a subdivision according to map in Map Book 40, Page 33, Public Records of Volusia County, Florida.**