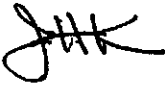


## MEMORANDUM

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

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

**DATE:** May 20, 2009

**SUBJECT:** Annexation of Fidelina Gonzalez Property  
Located on South Sparkman Avenue

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### PURPOSE

To approve a request from Fidelina Gonzalez to annex her property, located on South Sparkman Avenue, into the City limits of Orange City.

### BACKGROUND

An annexation petition was received on February 17, 2009 from Fidelina Gonzalez, requesting her 1.5 acre property to be annexed into the City limits.

The Gonzalez 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 \$70,359, thereby creating a potential City ad valorem revenue of \$315.20 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 and development 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. 389, thereby annexing the subject property into the City limits of Orange City.

## **ORDINANCE NO. 389**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE GONZALEZ PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH SPARKMAN AVENUE, APPROXIMATELY 300 FEET NORTH OF WEST GARDENIA DRIVE, CONTAINING APPROXIMATELY 1.5 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**, Fidelina Gonzalez is the owner in fee simple of certain real property generally located on the west side of South Sparkman Avenue, approximately 300 feet north of West Gardenia Drive, containing approximately 1.5 acres as hereinafter described, and

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

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

**WHEREAS**, the City Council of the City of Orange City hereby finds that the Gonzalez property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Gonzalez 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 Gonzalez property, generally located on the west side of South Sparkman Avenue, approximately 300 feet north of West Gardenia Drive, containing approximately 1.5 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. 389):**

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. 389):**

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. 389**

### **Legal Description**

#### **Gonzalez Annexation**

**Property located on South Sparkman Avenue**

**Name: Fidelina Gonzalez**

**Street Address: 1935 South Sparkman Avenue**

**Parcel ID: 8015-00-00-0210**

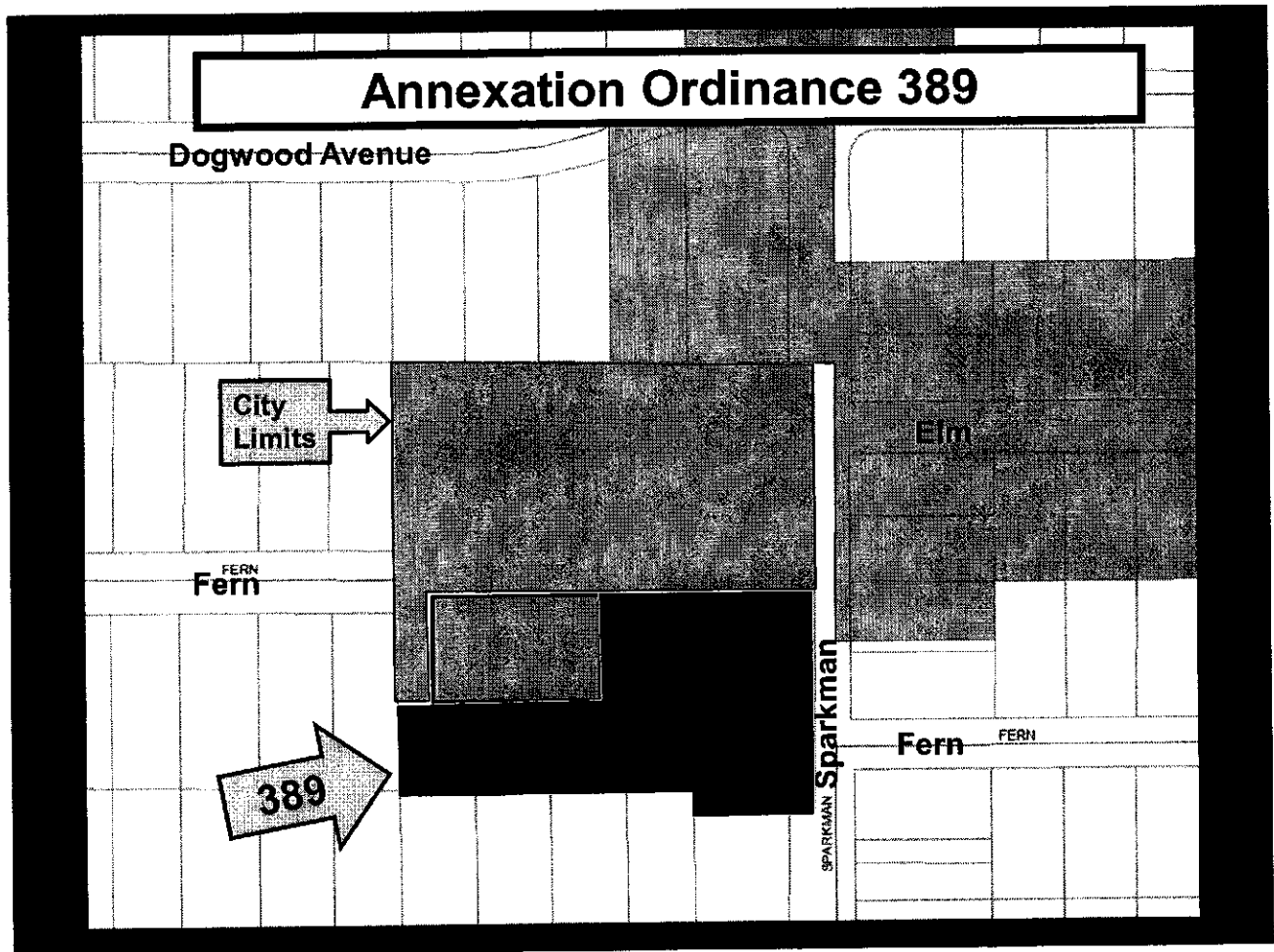
**Acreage: 1.5**

**Legal Description: The South 660 feet of the North 990 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; Except the North 115 feet of the West 430 feet; and Except Fox Run Unit I, Map Book 37, Page 61, and Except Fox Run Unit III, Map Book 40, Page 33.**

# Attachment B

## Ordinance No. 389

### Gonzalez Annexation



# Gonzalez Property Status Report

## Ownership Status

Applicants Name	Fidelina Gonzalez				
Owners Name	N/A				
Company Name	N/A				
Mailing Address	25715 West Newberry Road				
City	Newberry	State	Florida	Zip	32669

## General Description of Current Property Status:

Property Location	Located on the west side of South Sparkman Avenue approximately 300 feet north of West Gardenia Drive.				
Property Address	1535 South Sparkman Avenue				
Size of Property	Width:	Various	Depth:	Various	Acres: 1.5
Total Acres	1.5				
Population	None				
Number of Structures	None				
Dwelling Units	None				
Building Square Feet	None				
Parcel Number	8015-00-00-0210				
Legal Description	See Attachment A legal description to Ordinance 389				

## Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	70,359	70,359
Assessed Building Value	0	0
Exemption	0	0
Taxable Value	70,359	70,359
Stormwater	72.00	N/A
Total Ad Valorem	1,436.14	1,355.13
City Ad Valorem	N/A	315.20

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

# Petition for Annexation

## Into the City of Orange City, Florida

Applicant's Name: **Fidelina Gonzales** Phone:  
Business Name: **N/A** Phone:  
Address: **25715 West Newberry Road** Fax:  
City: **Newberry** State: **Florida** Zip: **32669**  
Mailing Address: **Same** e-mail:  
City: State: Zip:

### Property Information

Property Address: **1935 South Sparkman Avenue**  
The subject property is located on the **west** side of **South Sparkman Avenue**  
approximately **300** feet **north** from its intersection with **West Gardenia Drive**  
Parcel Number: **8015-00-00-0210** Parcel Number: **N/A** Acres **1.5**

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

Whereas, (I / We) **Fidelina Gonzales**  
(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 **Gonzales 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 Arizona County of Maricopa

Fidelina Gonzalez  
Print Name

NA  
Print Name

Fidelina Gonzalez  
Signature

NA  
Signature

NA  
Print Name

NA  
Print Name

NA  
Signature

NA  
Signature

Subscribed and sworn to (or affirmed) before me on this the 30<sup>th</sup> day of January 2009  
who is/are personally known to me or has/ have produced Arizona Drivers License  
as identification.

Hollie Baker  
Signature, Notary Public

Notary Stamp

The City of Orange City  
Petition for Annexation

