

MEMORANDUM

TO: Honorable Mayor and City Council Members

SEP 17 2009

PREPARED BY: Jim Kerr, City Planner

JK

JK

DATE: September 16, 2009

SUBJECT: Resolution for Notification to Volusia County Supervisor of Elections For Referendum Annexation of Breezewood Village Condominiums Located on Grand Plaza Drive in District 1

PURPOSE

To approve a resolution which provides official notice to the Supervisor of Elections to conduct a referendum election on January 19, 2010.

BACKGROUND

Following an initial contact regarding annexation, City Manager Chester Murray and staff met with the Board members of the Breezewood Village Condominium Association on July 20, 2009. The Board members expressed an interest to annex the Breezewood Village development into the City of Orange City. On September 8, 2009, the Chester Murray and certain staff members made an annexation presentation to a number of the residents at the Breezewood Village clubhouse. At the end of the meeting, those residents present (approximately 50 people) voted unanimously to request that Breezewood Village be annexed into the City limits.

The Breezewood Village property is located in District 1, and is developed as a residential project, containing 112 condominium dwelling units, and a population of approximately 130 people. The property consists of approximately 11.5 acres, and is located at 101 Grand Plaza Drive. The annexation of this property continues City Council's intent to "square off" and "fill-in" areas within Orange City's designated planning area.

Attached is a copy of Resolution 565-09, a letter from Breezewood Village, and a map depicting the area proposed to be annexed.

RECOMMENDATION

Staff recommends City Council approval of Resolution No. 565-09, thereby notifying the Supervisor of Elections to proceed with the annexation referendum on January 19, 2010.

RESOLUTION NO. 565-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, PROVIDING NOTICE TO THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS OF ORANGE CITY'S INTENT TO HOLD A MAIL BALLOT REFERENDUM ELECTION ON JANUARY 19, 2010 FOR THE PURPOSE OF ALLOWING THE PROPERTY OWNERS OF THE BREEZEWOOD VILLAGE CONDOMINIUMS TO VOTE ON ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, REPEALING ALL RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Breezewood Village Condominiums, currently located in unincorporated Volusia County, by their condominium association have expressed an intent to annex into the City of Orange City; and

WHEREAS, in accordance with the provisions of Florida Statutes Sections 171.0413 and 171.042, the City of Orange City wishes to annex the Breezewood Village Condominiums into the corporate limits of the City of Orange City; and

WHEREAS, Resolution No. 565-09 has been prepared pursuant to Section 4.05 of the City Charter to serve as official notice to the Supervisor of Elections of the City's intent to conduct a mail ballot referendum election to be held on January 19, 2010.

NOW. THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That the City of Orange City hereby provides official notice to the Volusia County Supervisor of Elections of the City's intent to hold a mail ballot referendum election on January 19, 2010 whether to annex the Breezewood Village Condominiums into the corporate limits of the City of Orange City.

SECTION 2. Said election shall be held in accordance with the applicable Sections of the Orange City Charter and the Florida Statutes.

SECTION 3. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. In accordance with Section 4.05 of the Orange City Charter, the City Clerk shall send a copy of this Resolution to the Supervisor of Elections, Volusia County, Florida, as notice of the election set forth herein.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

ROLL CALL VOTE AS FOLLOWS:

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

ADOPTED THIS _____ DAY OF _____, 2009.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney

**BREEZEWOOD VILLAGE CODOMINIUM ASSOC.
101 Grand Plaza Drive, CH-9
Orange City, Fl32763**

September 17, 2009

To: The City of Orange City

This letter is to inform the officials of Orange City of our desire to be annexed into the city. The Board met with Mr. Murray and Mr. Kerr and after discussing this desire, the Board was 100% in agreement that this is the best move for the residents of our Association.

After this meeting, a letter was sent to all residents advising of the Board's desire for this to happen and asked that they attend a special meeting with Mr. Murray, Mr. Kerr and representatives from the Fire, Police, and Code Enforcement.

After the meeting was held and our guests had left, a vote was taken of the residents in attendance. All 52 who were present voted to be annexed into the city.

Therefore I, as President of the Association, am asking that you proceed with the Annexation of the Association property into Orange City.

The Board appreciates your anticipated cooperation in this matter and looks forward to this Annexation.

Kindest regards,

Breezewood Village Condominium Assoc.

**By: 
Juanita A. (Nita) Badour, President**

Breezewood Village Condos

Resolution No. 565-09

