



Meeting Date: 4/12/2011

Agenda Item # 6-A

# CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: *John Smith*  
Department/Contact # 386 775-5414 City Manager: *J. Carter*

- Type of Item:
- |                                     |                          |                          |                     |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/>            | Public Hearing           | <input type="checkbox"/> | Resolution          |
| <input type="checkbox"/>            | Ordinance First Reading  | <input type="checkbox"/> | Discussion & Action |
| <input checked="" type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Council Approval    |

**Subject: Annexation of the LAXMI property into City limits – Ord. No. 453**

**BACKGROUND:**

LAXMI Inc. has requested their property to be annexed into the City limits, said property being located at 2501 North Volusia Avenue, and consisting of 2.7 acres. The subject property is developed as the Days Inn motel.

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 2010 tax roll information, the taxable value of the property is \$957,352, thereby creating a potential City ad valorem revenue of \$6,073.91 under its current county zoning of B-4 General Commercial. Additional revenues will be realized from utility taxes following annexation of the property. This property is located in District 4 and there are no residents onsite.

**RECOMMENDATIONS:**

City staff recommends that City Council approve and adopt Ordinance No. 453, therein annexing the subject property into the City limits of Orange City.

**ATTACHMENTS:**

- Annexation Ordinance No. 453
- Legal Description Attachment A
- Map depicting the subject property Attachment B
- Property Status Report
- Annexation Petition

**FINANCIAL IMPACT:**

None anticipated

Reviewed by City Attorney \_\_\_\_\_

Reviewed by Finance Dept. \_\_\_\_\_

Reviewed by: \_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> 3/22/2011	<b>2<sup>nd</sup> Discussion Date:</b> 4/12/2011	<b>Third Discussion Date:</b> Click here to enter a date.	<b>Other Dates:</b> Click here to enter a date.
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## ORDINANCE NO. 453

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE LAXMI 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 50 FEET SOUTH OF WEST MINNESOTA AVENUE, CONTAINING APPROXIMATELY 2.7 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**, Manisha Patel (dba LAXMI of Orange City, Inc) is the owner in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 50 feet south of West Minnesota Avenue, containing approximately 2.7 acres as hereinafter described, and

**WHEREAS**, the LAXMI 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 LAXMI property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the LAXMI 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 LAXMI property, generally located on the west side of North Volusia Avenue, approximately 50 feet south of West Minnesota Avenue, containing approximately 2.7 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. 453):**

First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Jeff H. Allebach	_____	Thomas Laputka	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	O.William Crippen, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 453):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Jeff H. Allebach	_____	Thomas Laputka	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	O.William Crippen, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**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. 453

### Legal Description

#### LAXMI Annexation

Property located on North Volusia Avenue

Name: LAXMI of Orange City

Street Address: 2501 North Volusia Avenue

Parcel ID: 8003-02-00-0010

Acreage: 2.7

Legal  
Description:

The Easterly 438 feet of Lot 1, and the Easterly 438 feet of Lot 2, except the Southerly 130 feet thereof, Orange City-DeLand Farms, a subdivision according to the map in Map Book 5, Page 99, re-recorded in Map Book 22, Page 50, of the Public Records of Volusia County, Florida, EXCEPT the Easterly 38 feet thereof conveyed to the State of Florida for highway purposes.

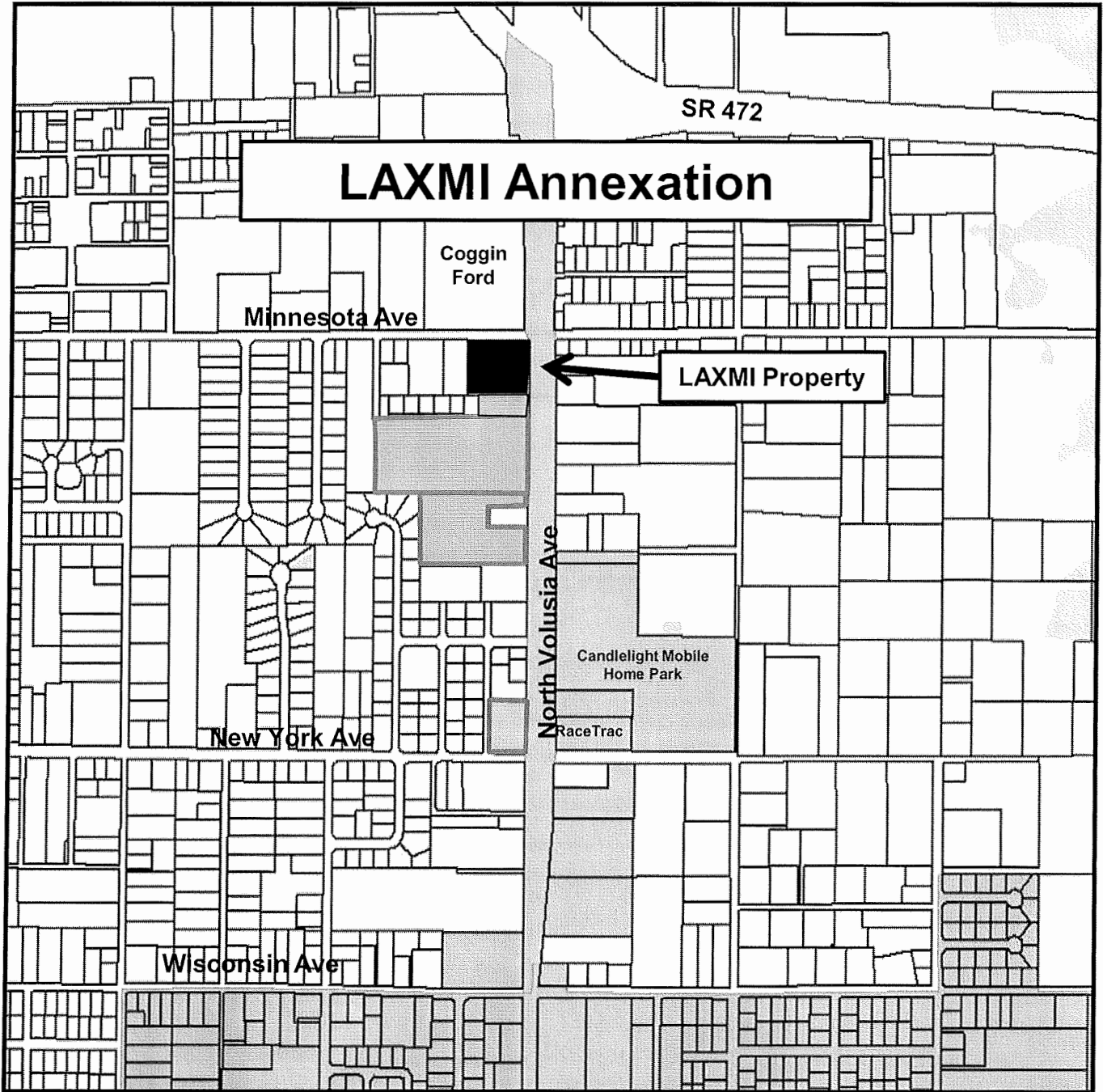
ALSO BEING DESCRIBED AS FOLLOWS:

Commencing at the Northeast corner of Section 3, Township 18 South, Range 30 East, Volusia County, Florida, run thence N 89°29'13" W along the North line of said Section 3 a distance of 68.0 feet to a point on the Westerly Right-of-Way of U.S. Highway 17-92, as now established, said point lying on the centerline of Right-of-Way of Minnesota Avenue, as now established; run thence S 00°55'54" W along said Westerly Right-of-Way of U.S. Highway 17-92 a distance of 25.0 feet to a point lying on the Southerly Right-of-Way of said Minnesota Avenue and on said Westerly Right-of-Way of U.S. Highway 17-92, said point being the Point of Beginning; run thence S 00°55'54" W along said Westerly Right-of-Way a distance of 317.24 feet; run thence N 88°57'30" W a distance of 370.09 feet; run thence N 00°57'18" E a distance of 313.82 feet to a point on said Southerly Right-of-Way of Minnesota Avenue; run thence S 89°29'13" E along this Southerly Right-of-Way a distance of 370.01 feet to the Point of Beginning, as shown on Boundary and Location Survey for Ernie Senez, Bldr. & West Virginia Motel, dated March 16, 1985, last recertified March 13, 1998, prepared by Blackwell & Associates Land Surveyors, Orange City, Florida.

# Attachment B

## Ordinance No. 453

### LAXMI Annexation Map



## LAXMI Property Status Report

### Ownership Status

Property Owner	LAXMI of Orange City, Inc.			
Applicants Name				
Mailing Address	2501 North Volusia Avenue			
City	Orange City	State	Florida	Zip 32763

### General Description of Current Property Status :

Property Location	Located on the west side of North Volusia Avenue approximately 50.0 feet south of West Minnesota Avenue.			
Property Address	2501 North Volusia Avenue			
Size of Property	Width: 317	Depth: 370	Acres: 2.7	
Total Acres	2.7			
Population	None			
Number of Structures	Three buildings, containing a 38 room motel			
Dwelling Units	None			
Building Square Feet	N/A			
Parcel Number	8003-02-00-0010			
Legal Description	See Attachment A Legal Description to Ordinance No. 453			

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(22.56410)	(23.41610)
City Millage Rate	N/A	(6.34450)
Assessed Land Value	354,011	354,011
Assessed Building Value	603,341	603,341
Exemption	0	0
Taxable Value	957,352	957,352
Stormwater	1,440.00	N/A
Total Ad Valorem	21,601.78	22,417.45
City Ad Valorem	N/A	6,073.91

The above revenues are based on the assessed property value as listed in the Volusia County 2010 Tax Roll.

### Subject Property Current Land Use and Zoning Description

<b>The subject property currently maintains the following:</b>	
Land Use Designation	(Volusia County) Commercial
Zoning	(Volusia County) B-4 Com General
	The property usage is a motel

### Detailed 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-1 Commercial General
	The property is proposed to continue as a motel.