

Meeting Date: 4/26/2011



Agenda Item # 5-A

# CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: \_\_\_\_\_  
Department/Contact # 386 775-5414 City Manager: *Jamie Coles*

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

**Subject: Annexation of the Coggin Ford property into City limits – Ord. No. 457**

**BACKGROUND:**

Coggin Ford has requested their property to be annexed into the City limits, said property being located at 2655 North Volusia Avenue, and consisting of 19.46 acres. The subject property is developed as an automobile dealership.

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 \$3,871,867, thereby creating a potential City ad valorem revenue of \$24,565 under its current county zoning of B-PUD. 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. 457, therein annexing the subject property into the City limits of Orange City.

**ATTACHMENTS:**

- Annexation Ordinance No. 457
- 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> 4/26/2011	<b>2<sup>nd</sup> Discussion Date:</b>	<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. 457**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE COGGIN FORD 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 NORTH OF WEST MINNESOTA AVENUE, CONTAINING APPROXIMATELY 19.46 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**, Asbury Auto Group, Inc. (dba Coggin Ford) is the owner in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 50 feet north of West Minnesota Avenue, containing approximately 19.46 acres as hereinafter described, and

**WHEREAS**, the Coggin Ford 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 Coggin Ford property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Coggin Ford 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 Coggin Ford property, generally located on the west side of North Volusia Avenue, approximately 50 feet north of West Minnesota Avenue, containing approximately 19.46 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. 457):**

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. 457):**

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. 457

### Legal Description

#### Coggin Ford Annexation

Property located on North Volusia Avenue

Name: **Asbury Auto Group, Inc.**  
Street Address: **2655 North Volusia Avenue**  
Parcel ID: **7033-00-00-0540**  
Acreage: **19.46**

#### **Legal Description:**

All that part of the Southeast Quarter of the Southwest Quarter that lies West of U.S. Highway 17-92 (State Road 15-600), in Section 33, Township 17 South, Range 30 East, Volusia County; excepting therefrom that part taken by the State of Florida for right-of-way purposes, and being more particularly described as follows:

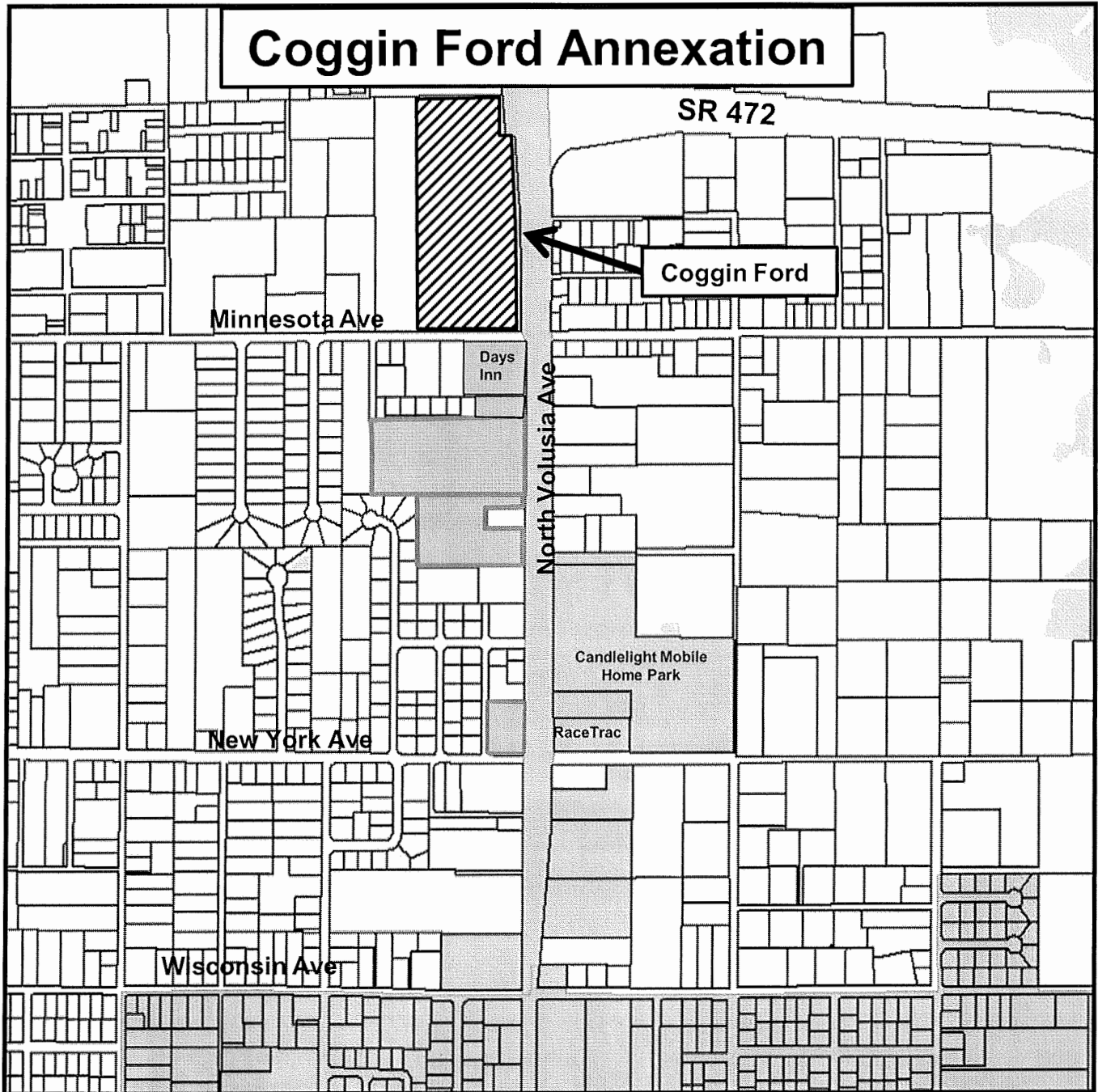
#### **TRACT 1**

Commencing at a found iron pin with RLS Cap 3282 at the Northwest corner of said quarter quarter section; thence along the North line of said quarter quarter section, South 89° 24' 04" East (M) [South 89° 26' 16" East (R)], a distance of 288.03 feet, to a set 5/8" iron pin with AES Cap 0002, being the place of beginning; thence continuing along said North line, South 89° 24' 04" East (M) [South 89° 26' 16" East (R)], a distance of 550.10 feet, to a found iron pin with RLS Cap 3282, on the West right-of-way line of Fire House Road; thence along said right-of-way South 02° 54' 41" East, a distance of 204.81 feet (M) [South 03° 01' 45" East, 204.99 feet (R)], to a found concrete right-of-way marker (flush); thence continuing along said right-of-way, North 86° 57' 12" East, a distance of 67.92 feet (M) [North 86° 43' 06" East, 67.75 feet (R)], to a found concrete right-of-way marker (5" tall), on the West right-of-way line of U.S. Highway 17-92 (State Road 15-600); thence along said right-of-way, South 02° 58' 08" East, a distance of 466.02 feet (M) [465.85 feet (R)], to a found iron pin with RLS Cap 3282; thence continuing along said right-of-way, along a curve to the right, with a radius of 5609.67 feet, and an arc length of 382.07 feet, said curve being subtended by a chord bearing South 00° 59' 05" East, with a length of 381.99 feet (M) [arc length of 381.97 feet, chord bearing South 00° 59' 33" East, 381.90 feet (R)], to a found "X" mark (painted); thence continuing along said West right-of-way line, South 01° 00' 45" West, a distance of 261.51 feet (M) [South 00° 55' 57" West, 291.63 feet (R)], to a found iron pin with RLS Cap 3282, on the North right-of-way line of Minnesota Avenue; thence along said North right-of-way line, North 89° 27' 26" West, a distance of 650.37 feet to a set 1/2" iron pin with AES Cap 0002; thence leaving said right-of-way, North 00° 10' 35" West, a distance of 1309.33 feet, to the place of beginning.

# Attachment B

## Ordinance No. 457

### Coggin Ford Annexation Map



## Coggin Ford Property Status Report

### Ownership Status

Property Owner	Asbury Auto Group, Inc.			
Applicants Name				
Mailing Address	2655 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 north of West Minnesota Avenue.			
Property Address	2655 North Volusia Avenue			
Size of Property	Width: 1,338	Depth: 647	Acres: 19.46	
Total Acres	19.46			
Population	None			
Number of Structures	11 buildings			
Dwelling Units	None			
Building Square Feet	77,300			
Parcel Number	7033-00-00-0540			
Legal Description	See Attachment A Legal Description to Ordinance No. 457			

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(22.56410)	(23.41610)
City Millage Rate	N/A	(6.34450)
Assessed Land Value	2,027,317	2,027,317
Assessed Building Value	1,844,550	1,844,550
Exemption	0	0
Taxable Value	3,871,867	3,871,867
Stormwater	13,388.40	N/A
Total Ad Valorem	87,365.19	90,664.02
City Ad Valorem	N/A	24,565.06

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-PUD
	The property usage is a automobile dealership

### 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-2 Commercial General
	The property is proposed to continue as an automobile dealership.

# Petition for Annexation

## Into the City of Orange City, Florida

Applicant's Name: **2655 North Volusia Avenue I, LLC.** Phone:  
Business Name: **C/O Asbury Auto Group, Inc.** Phone:  
Address: **622 Third Avenue** Fax:  
City: **New York** State: **New York** Zip: **10017**  
Mailing Address: **Same** e-mail:  
City: State: Zip:

### Property Information

Property Address: **2655 North Volusia Avenue**

The subject property is located on the **west** side of **North Volusia Avenue**  
approximately **100** feet **north** from its intersection with **West Minnesota Avenue**

Parcel Number: **7033-00-00-0540** Parcel Number: Acres **19.46**

The existing land use of the property is **Automobile Dealership**

Whereas, (I / We) **2655 North Volusia Avenue I, LLC.**

(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 Coggin 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 Georgia County of Cowinnett

Craig Monaghan  
Print Name  
[Signature]  
Signature

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

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

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

Subscribed and sworn to (or affirmed) before me on this the 25<sup>th</sup> day of February 2011  
who is/are personally known to me or has/ have produced personally known  
as identification.

[Signature]  
Signature, Notary Public

**NOTARY PUBLIC, FORSYTH COUNTY, GEORGIA  
MY COMMISSION EXPIRES MAY 8, 2014**

Notary Stamp

The City of Orange City  
Petition for Annexation