

Meeting Date: 6/14/2011



Agenda Item # 5-c

CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: _____
Department/Contact # 386 775-5414 City Manager: Jami O'Leary

Type of Item: Public Hearing Resolution
 Ordinance First Reading Discussion & Action
 Ordinance Second Reading Council Approval

Subject: Annexation of the McDonald's property into City limits – Ord. No. 463

BACKGROUND:

McDonald's Corporation has requested their property to be annexed into the City limits, said property being located at 2406 Enterprise Road, and consisting of 1.38 acres. The subject property is currently developed as a restaurant.

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 \$819,038, thereby creating a potential City ad valorem revenue of \$5,196 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 1 and there are no residents onsite.

RECOMMENDATIONS:

City staff recommends that City Council approve and adopt Ordinance No. 463, therein annexing the subject property into the City limits of Orange City.

ATTACHMENTS:

- Annexation Ordinance No. 463
- 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: _____

1st Discussion Date: 6/14/2011	2nd Discussion Date:	Third Discussion Date: Click here to enter a date.	Other Dates: Click here to enter a date.
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ORDINANCE NO. 463

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MCDONALD'S PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF ENTERPRISE ROAD, APPROXIMATELY 600 FEET SOUTH OF SOUTH VOLUSIA AVENUE, CONTAINING APPROXIMATELY 1.38 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, McDonald's Corporation is the owner in fee simple of certain real property generally located on the west side of Enterprise Road, approximately 600 feet south of South Volusia Avenue, containing approximately 1.38 acres as hereinafter described, and

WHEREAS, the McDonald's 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 McDonald's property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the McDonald's 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 McDonald's property, generally located on the west side of Enterprise Road, approximately 600 feet south of South Volusia Avenue, containing approximately 1.38 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. 460):

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. 460):

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. 463

Legal Description

McDonald's Annexation

Property located on Enterprise Road

Name: **McDonald's Corporation**

Street Address: **2406 Enterprise Road**

Parcel ID: **8014-00-00-0300**

Acreage: **1.38**

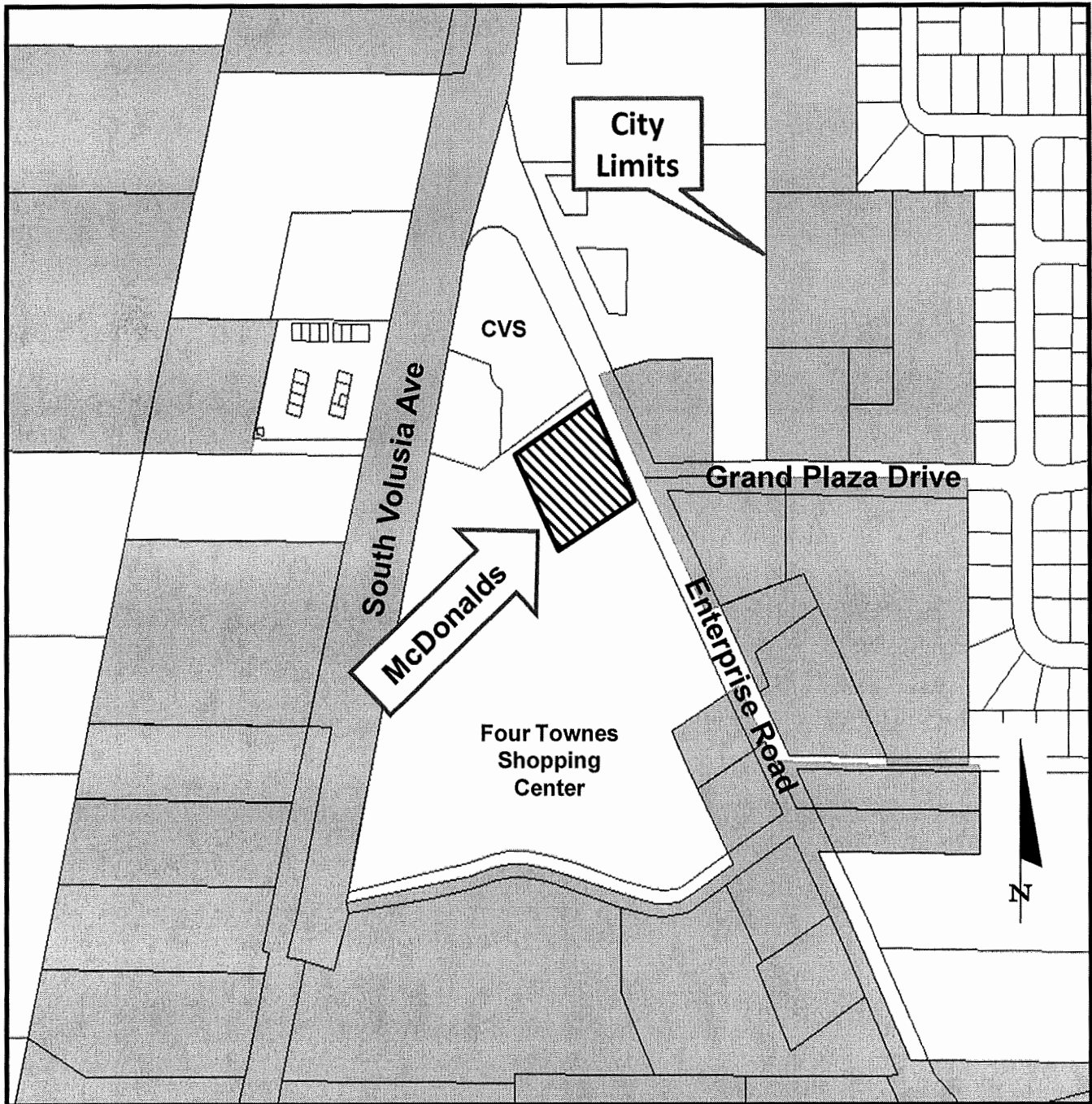
Legal Description: All that tract or parcel of land lying and being in Section 14, Township 18 South, Range 30 East, Volusia County, Florida, and being more particularly described as follows:

To find the Point of Beginning, commence at a point located at the Southwest corner of Section 14, Township 18 South, Range 30 East, Volusia County, Florida, and thence run South 89°45'36" West a distance of 384.52 feet to a point located on the Southeasterly right-of-way line of U.S. Highway No. 17-92 (State Road 15 and 600); Thence run North 13°52'30" East along the Southeasterly right-of-way line of U.S. Highway No. 17-92 (State Road 15 and 600) a distance of 657.0 feet to a point; Thence run South 76°07'30" East a distance of 69.06 feet to a point; Thence run North 60°00'56" East a distance of 451.20 feet to a point located on the Southwesterly right-of-way line of Enterprise Road; Thence run South 29°58'52" East along the Southwesterly right-of-way line of Enterprise Road a distance of 25.0 feet to an iron pin and the Point of Beginning; Thence continue South 29°58'52" East along the Southwesterly right-of-way line of Enterprise Road a distance of 250.0 feet to an iron pin; Thence run South 60°00'56" West a distance of 240.0 feet to an iron pin; Thence run North 29°58'52" West a distance of 250.0 feet to an iron pin; Thence run North 60°00'56" East a distance of 240.0 feet to an iron pin and the Point of Beginning, containing 1.38 acres, more or less, as shown on that Plat of Survey prepared by Mauney Engineering, Inc., for Cousins Properties, Inc., 300 Interstate North, Atlanta, Georgia, dated April 26, 1976 and last revised November 2, 1977.

Attachment B

Ordinance No. 463

McDonald's Annexation Map



Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **McDonald's Corporation c/o Padraic Molloy**

Business Name: **McDonald's Corporation**

Phone: *630.623.3000*

Address: **1 McDonalds Plaza**

Fax:

City: **Oak Brook**

State: **Illinois**

Zip: **60523**

Mailing Address: **Same**

e-mail:

City:

State:

Zip:

Property Information

Property Address: **2406 Enterprise Road**

The subject property is located on the **west** side of **Enterprise Road**

approximately **600** feet **south** from its intersection with **South Volusia Avenue**

Parcel Number: **8014-00-00-0300** Parcel Number:

Acres **1.38**

The existing land use of the property is **McDonald's Restaurant**

Whereas, (I / We) **McDonald's Corporation**

(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 McDonald's 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 Illinois County of DuPage

McDonald's Corporation

By: Padraic Molloy, Managing Counsel _____
Print Name Print Name

PM [Signature] _____
Signature Signature

Print Name

Print Name

Signature

Signature

Subscribed and sworn to (or affirmed) before me on this the 2nd day of June 2011
who is/are personally known to me or has/ have produced Drivers License
as identification.

[Signature] _____
Signature, Notary Public



Notary Stamp