

ORDINANCE NO. 386

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MONROE INVESTMENTS PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF VETERANS MEMORIAL PARKWAY, APPROXIMATELY 2,350 FEET SOUTH OF EAST GRAVES AVENUE, CONTAINING APPROXIMATELY 0.60 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, Monroe Investments, LLC is the owner in fee simple of certain real property generally located on the east side of Veterans Memorial Parkway, approximately 2,350 feet south of East Graves Avenue, containing approximately 0.60 acres as hereinafter described, and

WHEREAS, the Monroe 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 Monroe property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Monroe 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 Monroe property, generally located on the east side of Veterans Memorial Parkway, approximately 2,350 feet south of East Graves Avenue, containing approximately 0.60 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. 386):

First Reading this 14th day of April, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 386):

Second Reading this 28th day of April, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>Absent</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 28th day of April, 2009.

ATTEST:

Deborah J. Renner
Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

Harley Strickland
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr.
William E. Reischmann, Jr., City Attorney

Attachment A

Ordinance No. 386

Legal Description

Monroe Investments Annexation

Property located on Veterans Memorial Parkway

Name: Monroe Investments LLC

Street Address: Veterans Memorial Parkway

Parcel ID: 8012-04-00-0192

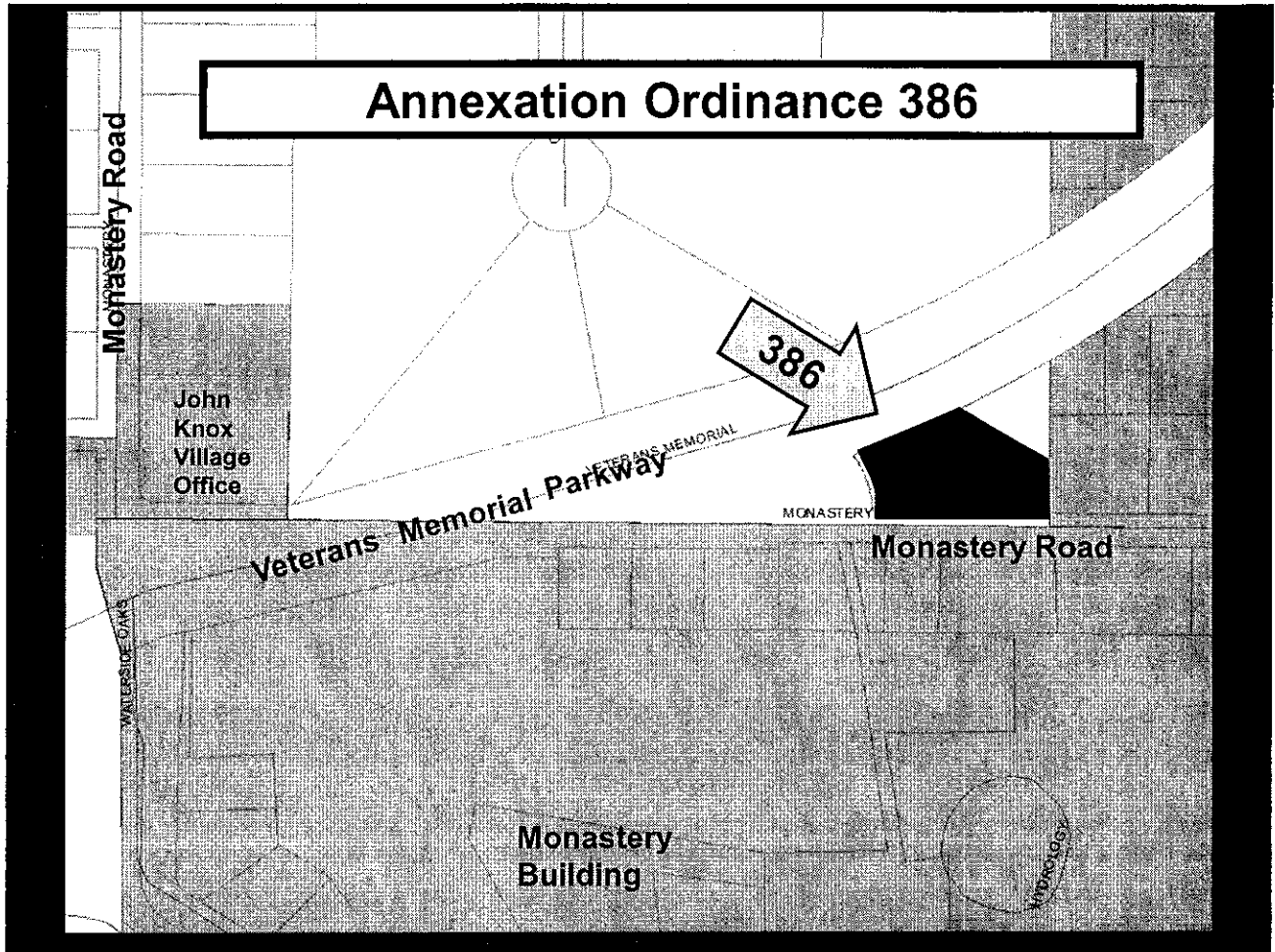
Acreage: 0.60

Legal Description: That part of Lot 19, Country Woods, According to the plat thereof, Recorded in Map Book 37, Pages 112 and 113, of the Public Records of Volusia County, Florida, Lying south of Veterans Memorial Parkway, in Section 12, Township 18 South, Range 30 East.

Attachment B

Ordinance No. 386

Monroe Annexation – Ord No 386



Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Jerry Cutrona** Phone:

Business Name: **Monroe Investments LLC** Phone:

Address: **248 Via Tuscany Loop** Fax:

City: **Lake Mary** State: **Florida** Zip: **32746**

Mailing Address: **Same** e-mail:

City: State: Zip:

Property Information

Property Address: **Veterans Memorial Parkway**

The subject property is located on the **east** side of **Veterans Memorial Parkway**
approximately **2,350** feet **South** from its intersection with **East Graves Avenue**

Parcel Number: **8012-04-00-0192** Parcel Number: **N/A** Acres **0.60**

The existing land use of the property is **Single family residential**

Whereas, (I / We) **Monroe Investments 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 Monroe Investment 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