

## ORDINANCE NO. 388

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE JAMES PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FERN DRIVE, APPROXIMATELY 750 FEET EAST OF PECAN DRIVE, CONTAINING APPROXIMATELY 0.47 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**, Todd James and Alan James are the owners in fee simple of certain real property generally located on the south side of West Fern Drive, approximately 750 feet east of Pecan Drive, containing approximately 0.47 acres as hereinafter described, and

**WHEREAS**, the James property is currently situated within the jurisdiction of the County of Volusia, and

**WHEREAS**, the property owner is desirous of having their 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 their property pursuant to Florida Statute 171.044, and

**WHEREAS**, the City Council of the City of Orange City hereby finds that the James property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the James 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 James property, generally located on the south side of West Fern Drive, approximately 750 feet east of Pecan Drive, containing approximately 0.47 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. 388):**

First Reading this 26<sup>th</sup> day of May, 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. 388):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 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>		

PASSED and ADOPTED this 9<sup>th</sup> day of June, 2009.

**ATTEST:**

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

**AUTHENTICATED:**

Harley Strickland  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

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

# **Attachment A**

## **Ordinance No. 388**

### **Legal Description**

#### **James Annexation**

**Property located on West Fern Drive**

**Name: Todd James and Alan James**

**Street Address: 450 West Fern Drive**

**Parcel ID: 8015-00-00-0250**

**Acreage: 0.47**

**Legal Description: Commencing at the intersection of the North line of property described as the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida; and the centerline of South Sparkman Avenue, Orange City, Florida; run thence West along said North line a distance of 230 feet to the Point of Beginning; run thence West along said North line 180 feet; run thence South, parallel to said centerline, 115 feet; run thence East, parallel to said North line, 180 feet; run thence North, parallel with said centerline, 115 feet to the Point of Beginning.**

# Attachment B

## Ordinance No. 388

### Todd James and Alan James Annexation

