

ORDINANCE NO. 399

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE BURNS PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF BIRCH AVENUE, APPROXIMATELY 250 FEET WEST OF SOUTH VOLUSIA AVENUE, CONTAINING APPROXIMATELY 0.31 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, Valerie Burns is the owner in fee simple of certain real property generally located on the north side of Birch Avenue, approximately 250 feet west of South Volusia Avenue, containing approximately 0.31 acres as hereinafter described, and

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

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

WHEREAS, the City Council of the City of Orange City hereby finds that the Burns property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Burns 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 Burns property, generally located on the north side of Birch Avenue, approximately 250 feet west of South Volusia Avenue, containing approximately 0.31 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. 399):

First Reading this 28th day of July, 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. 399):

Second Reading this 11th day of August, 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 11th day of August, 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. 399

Legal Description

Burns Annexation

Property located on Birch Avenue

Name: Valerie Burns

Street Address: 103 Birch Avenue

Parcel ID: 8015-01-00-0410

Acreage: 0.31

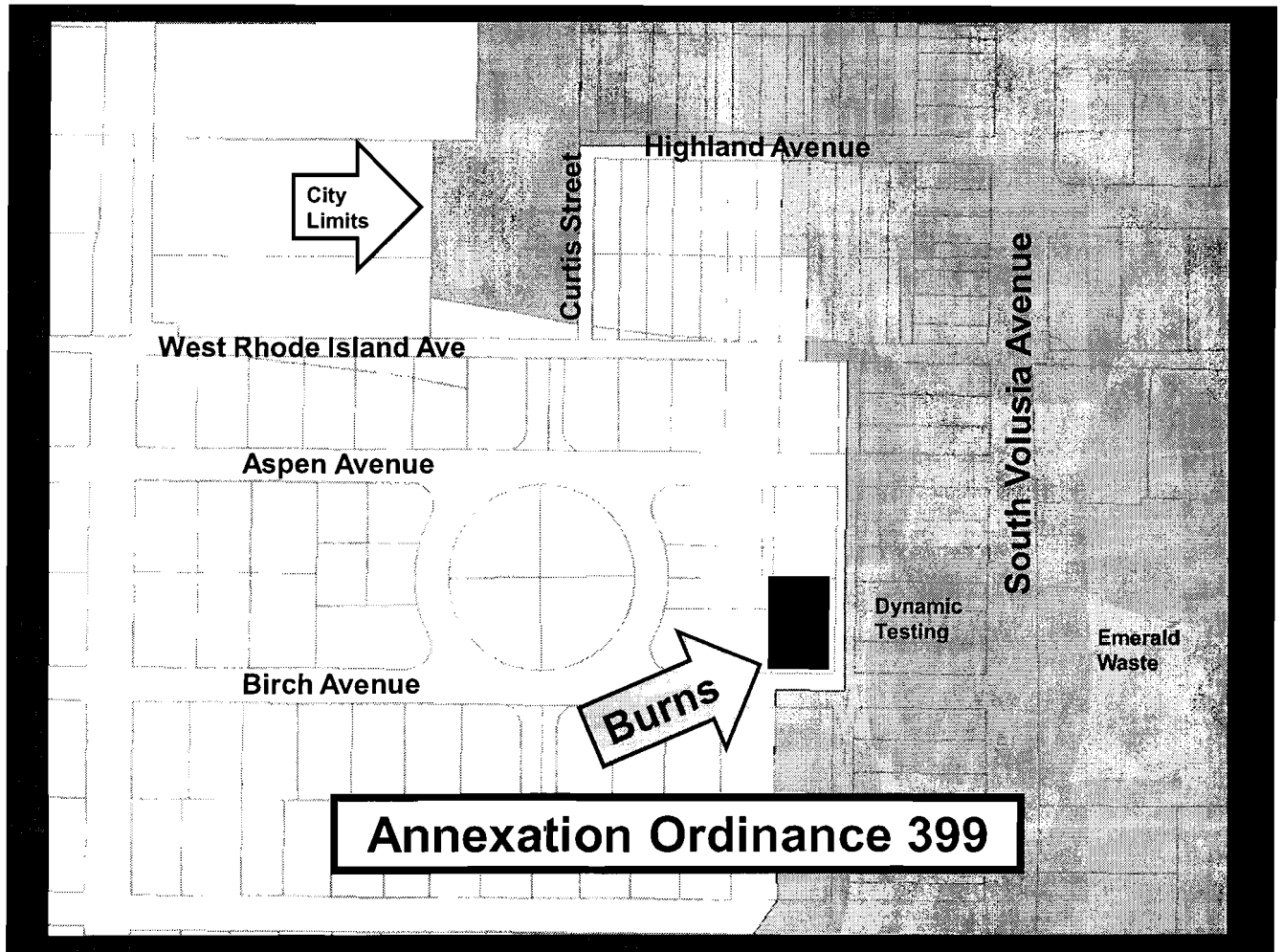
Legal Description: Section 15, Township 18 South, Range 30 East

Lot 41, Spring Lakes Subdivision, according to the map thereof as recorded in Map Book 11, Page 255, Public Records of Volusia County, Florida

Attachment B

Ordinance No. 399

Burns Annexation



Burns Property Status Report

Ownership Status

Property Owner	Valerie Burns			
Applicants Name				
Mailing Address	1065 Torchwood Lane			
City	DeLand	State	Florida	Zip 32724

General Description of Current Property Status :

Property Location	Located on the north side of Birch Avenue approximately 250 feet west of South Volusia Avenue.			
Property Address	103 Birch Avenue			
Size of Property	Width: 98.0	Depth: 140.0	Acres: 0.31	
Total Acres	0.31			
Population	None			
Number of Structures	One			
Dwelling Units	None			
Building Square Feet	1,156			
Parcel Number	8015-01-00-0410			
Legal Description	See Attachment A Legal Description to Ordinance 399			

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	89,454	89,454
Assessed Building Value	50,035	50,035
Exemption	0	0
Taxable Value	139,489	139,489
Stormwater	98.64	N/A
Total Ad Valorem	2,803.09	2,686.59
City Ad Valorem	N/A	624.91

The above revenues are based on the current assessed property value as listed in the Volusia County 2008 Tax Roll.

Subject Property Current Land Use and Zoning Description

The subject property currently maintains the following:	
Land Use Designation	(Volusia County) Commercial
Zoning	(Volusia County) B-4 Commercial General
	The property usage is an office facility.

Detailed Subject Property Proposed Land Use and Zoning Description

The subject property is proposed to be changed to the following:	
Land Use Designation	(Orange City) CG Commercial General
Zoning	(Orange City) CG-2 Commercial General
	The proposed property usage is a medical office.

Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Valerie Burns**

Phone:

Business Name:

Phone:

Address: **1065 Torchwood Lane**

Fax:

City: **DeLand**

State: **Florida**

Zip: **32724**

Mailing Address: **Same**

e-mail:

City:

State:

Zip:

Property Information

Property Address: **103 Birch Avenue**

The subject property is located on the **north** side of **Birch Avenue**

approximately **250** feet **west** from its intersection with **South Volusia Avenue**

Parcel Number: **8015-01-00-0410**

Parcel Number: **N/A**

Acres **0.31**

The existing land use of the property is **Office Building**

Whereas, (I / We) **Valerie Burns**

(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 Burns 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 Florida County of Volusia

Daterie Burns
Print Name

Print Name

Daterie Burns
Signature

Signature

Print Name


Print Name

Signature

Signature

Subscribed and sworn to (or affirmed) before me on this the 17th day of April 2009
who is/are personally known to me or has/ have produced Florida Driver License
as identification.

Barbara Turno
Signature, Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
 BarBara Turno
Commission # DD450962
Expires: JULY 14, 2009
Bonded Thru Atlantic Bonding Co., Inc.

Notary Stamp

The City of Orange City
Petition for Annexation