

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Chester Murray, Interim City Manager
DATE: December 9, 2008
SUBJECT: Special Assessment Resolution No. 512-08

PURPOSE

Resolution No. 512-08 is being presented for your approval as a method of collection for specific capital projects and service assessments for Orange City.

Background

Over the last eight years the City Council has been presented with information regarding the adoption of special assessment districts to assist the City and its residents with finding an alternative method of collection and funding for specific capital projects and services. Currently the City has one special assessment for the collection of the solid waste fee.

One of the main concerns expressed by residents was that the City could use this new tool to impose new taxes on residents without their having any ability to object. It is a stated goal that when the City addresses this issue in the future, our primary objective is to use this as a tool for residents and developers to increase the level of services or capital projects provided by the City to those neighborhoods or subdivisions. For example, if a new subdivision wanted to improve the street lighting for their development, the owners could seek the City's involvement through the special assessment program. In effect the developer would upgrade the street lights beyond our minimal standards and implement a special assessment on all property owners in the development to pay for the improvements over a predetermined period. In some cases, neighborhoods or developments may actually want an increased level of City services and not capital improvements. In either case the same laws apply.

Notwithstanding the above, there may be some circumstances in the future that may require the City Council to implement an assessment for a project that affects the health, safety or welfare of our residents (such as a street lighting or stormwater assessment). In this case, the City will have to consider implementing the assessment against the desires of some of those that will be impacted by the new assessment.

It should be noted that this resolution is the first step required to enable the City to utilize the uniform collection method for an assessment program; it does not provide the necessary approvals and public hearings required to implement an Assessment District. To the contrary, it is just the required notification (along with an advertisement that ran for four consecutive weeks) to the Tax Collector and the Property Appraiser that if the Council did desire to implement an Assessment District next year we would be using the non-ad valorem collection method to accomplish that objective.

In terms of an existing neighborhood, the same methods would apply. One difference between a new development using this tool and an existing neighborhood would be that the improvements in the new development would be completed before the sale of individual lots (by the developer) and the assessment would be in place when the lots were sold. In an existing neighborhood the City would use a referendum approach to approve a new district. Additionally, in an existing neighborhood the City would be intricately involved in the construction of the improvements, "fronting" the money for the cost of the improvements, and then collecting the annual assessments through the non-ad valorem portion of the property tax bills every year to reimburse the City. Recently, the homeowners association of Blue Springs Villas contacted the City requesting to place their street lighting costs on their tax bills. Adoption of Resolution No. 512-08 is necessary in order to assist Blue Springs Villas with their request.

Recommendation

Staff recommends that the City Council approve Resolution No. 512-08.

RESOLUTION NO. 512-08

A RESOLUTION OF THE CITY OF ORANGE CITY, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Orange City, Florida (the "City") is contemplating the imposition of special assessments for the provision of capital and service improvements including, but not limited to (i) stormwater management services; (ii) street lighting, (iii) fire protection services, (iv) utilities, and (v) roads and streets; and

WHEREAS, the City intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing capital and service improvements including, but not limited to (i) stormwater management services, (ii) street lighting, (iii) fire protection services, (iv) utilities, and (v) roads and streets to property within the incorporated area of the City as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2009 in the same manner as provided for ad valorem taxes; and

WHEREAS, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY:

SECTION 1. Commencing with the Fiscal Year beginning on October 1, 2009, and with the tax statement mailed for such Fiscal Year, the City intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing capital and service improvements including, but not limited to (i) stormwater management services, (ii) street lighting, (iii) fire protection services, (iv) utilities, and (v) roads and streets. Such non-ad valorem assessments shall be levied within the incorporated area of the City. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

SECTION 2. The City hereby determines that the levy of the assessments is needed to fund the cost of capital and service improvements including, but not limited to (i) stormwater management services, (ii) street lighting, (iii) fire protection services, (iv) utilities, and (v) roads and streets within the incorporated area of the City.

SECTION 3. Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Volusia County Tax Collector, and the Volusia County Property Appraiser by January 9, 2009.

SECTION 4 This Resolution shall be effective upon adoption.

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney	_____	Donald C. Sherrill	_____
Don Sandford	_____	Tom Abraham	_____
Tom Laputka	_____	Jeff Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ADOPTED THIS _____ DAY OF _____, 2008.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney

**NOTICE OF INTENT TO USE UNIFORM METHOD OF
COLLECTING NON-AD VALOREM ASSESSMENTS**

EXHIBIT A

The City of Orange City, Florida (the "City") hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the City, for the cost of providing capital and service improvements including, but not limited to (i) stormwater management services, (ii) street lighting, and (iii) fire protection services commencing for the Fiscal Year beginning on October 1, 2009. The City will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 7:00 p.m. on December 9, 2008 in City Council Chambers located in the City Annex at 201 North Holly Avenue, Orange City, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the office of the City Clerk, 229 East Graves Avenue, Orange City, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the City with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Clerk's Office at 386/775-5403, three days prior to the date of the hearing.

Deborah J. Renner, CMC, City Clerk
CITY OF ORANGE CITY, FLORIDA

Dated this 28th day of October 2008.

To be published in the News Journal once a week for four consecutive weeks as follows:

Tuesday, November 11, 2008
Tuesday, November 18, 2008
Tuesday, November 25, 2008
Tuesday, December 2, 2008

PROOF OF PUBLICATION REQUIRED Please reference PO# 35756

Legal Description for the City of Orange City

Development Services Department

**Jim Kerr, City Planner
October 21, 2008**

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Section 6. Township 18 South, Range 31 East

The south 1/2 of Government Lot 12, and the west 1/2 of Government Lot 11 (also known as Lots 43, 44, 51, 52, 59 and 60, Yourlando farms and Groves, Map Book 10, Pages 227 to 228), except the south 380 feet, bounded on the west by the west boundary line of Section 6 (North Kentucky Avenue), and on the east by the Interstate 4 right-of-way, and on the south by East Graves Avenue.

Section 1. Township 18 South, Range 30 East

The southwest 1/4 of the south 1/2 of Government Lot 7, and the east 350 feet of the south 440 feet of the west 1/2 of Government Lot 8, and the south 1/4 of Government Lot 10, except the west 789 feet of the east 1,139 feet of the south 500 feet, all lying north of East Graves Avenue, and west of North Kentucky Avenue.

Section 2, Township 18 South, Range 30 East

The west 3/4 of the south 1/2 of Section 2, Township 18 South, Range 30 East, bounded on the west by North Volusia Avenue, and on the north by East Wisconsin Avenue, and on the south by East Graves Avenue, and on the east by North Trafford Avenue; and including the Orange Commerce property described as the East 202.78 feet of Lot 1, and all of Lot 2, less the North 4 feet of the West 330 feet of lot 2 lying East of the East right-of-way line of Highway 17-92, and less road right-of-way, Home Investment Company, according to the map or plat thereof as recorded in Plat Book 5, Page 57, Public Records of Volusia County, Florida; and including (Orange Commerce) Lots 3, 4, 5 and 6, Home Investment Company Subdivision, less and except that portion for State Road right-of-way, according to the map or plat thereof as recorded in Plat Book 5, Page 57, Public Records Of Volusia County, Florida; and including a parcel described as Lot 8 located in the Home Investment Company subdivision, except the state road and except the east 417 feet; and including an area described as the west 1/2 of the south 1/2 of the north 1/2 of Government Lot 5 (also known as Oak Haven subdivision, bounded on the west by North Leavitt Avenue, and on the south by East Wisconsin Avenue); and including an area described as the west 1/2 of the south 1/2 of Government Lot 6 (the north half of which is known as Stately Oaks unrecorded subdivision); and including an area described as the north 1/3 of the west 1/2 of the north 1/2 of Government Lot 7; and including an area described as the west 100 feet of the north 1/2 of the northwest 1/4 of the south 1/2 of Government Lot 7 (Walters on French Avenue); and including an area described as the southeast 1/4 of the south 1/2 of Government Lot 7 (located on East Graves Avenue and owned by John Knox Village).

Section 3, Township 18 South, Range 30 East

The east 1/2 of the south 1/2 of Section 3, Township 18 South, Range 30 East, bounded on the east by North Volusia Avenue, and on the north by West Wisconsin Avenue, and on the south by West Graves Avenue, and on the west by North Sparkman Avenue; and including an area described as the northeast 1/4 of the north 1/2 of Government Lot 9, and including an area described as the south 3/5 of the east 1/2 of the northeast 1/4 of the south 1/2 of Government Lot 9 except the north 27.37 feet; and including a parcel described as the north 100 feet of the south 660 feet of the east 420 feet of Government Lot 9; and including the South 280.0 feet of the East 660.0 feet of Government Lot 9 (Larson); and including Lots 8 to 53 inclusive, Block 2, Lots 1 to 25, Block 3, Lots 32 to 64, Block 1, Lots 1 to 21, Block 4, Lots 1 to 16, Block 5, including vacated street, Lots 1 to 15 inclusive and Lots 19 to 23, Block 6, Lots 1 to 8, Block 7, including vacated street, and Lots 1 to 13, Block 8, all within Blue Springs subdivision, Map Book 10, Page 20, and including the South 1/2 of the

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Southeast 1/4 of the North 1/2 of Government Lot 6, Section 3, Township 18 South, Range 30 East, Except the West 80 feet thereof and except the South 30 feet for Road and except that part lying in U.S. Highway 17-92, Volusia County, Florida (northwest corner of West Wisconsin and US 17-92).

Section 10, Township 18 South, Range 30 East

The north 1/2 of the east 1/2 of Section 10, Township 18 South, Range 30 East, and the north 1/4 of the south 1/2 of the east 1/2, all bounded on the east by North Volusia Avenue, and on the north by West Graves Avenue, and on the south by West Ohio Avenue, and on the west by North Sparkman Avenue; and including the (Threadgill 5-acres on West Blue Springs containing Scholars Path entrance to the Middle School) east 1/2 of the southwest 1/4 of the southeast 1/4 of the northwest 1/4 of Section 10, Township 18 South, Range 30 East, and including the entire southwest 1/4 except the WESH property described as the west 660 feet of the north 2,310 feet; and including the west 1/2 of the southwest 1/4 of the southwest 1/4 of the southeast 1/4 of Section 10, Township 18 South, Range 30 East, also known as Lots 29 and 30 Inclusive, Block 30, Orange City Assessors Map, Map Book 3, Page 86 (5-acres on West Rhode Island Avenue); and including the northwest 1/4 of Lot 12, Block 30, Orange City Assessors Map, Map Book 3, Page 86 (Shaw, etal); and including the north 413.87 feet of the east 831.40 feet of the south 1/2 of the northwest 1/4 of the southeast 1/4 of Section 10, Township 18 South, Range 30 East (also known as Sandy Pines subdivision); and including the southwest 1/4 of the northeast 1/4 of the southeast 1/4 of Section 10, Township 18 South, Range 30 East, except Lot 9, Block D, Second Addition, Magnolia Park, Map Book 23, Page 114; and including the southeast 1/4 of the northeast 1/4 of the southeast 1/4 of Section 10, Township 18 South, Range 30 East (Johns Discount Appliance); and including the northeast 1/4 of the southeast 1/4 of Section 10; and including the north 208.72 feet of the east 208.72 feet of Lot 19, Block 30, Orange City Map Book 3, Page 86 (both Orange City Mobile Home Park); and including the southeast 1/4 of the southeast 1/4 of Section 10, Township 18 South, Range 30 East, except Lots 48 through 50, and except Lots 55 through 62, Trevaskis subdivision, Lot 21, Block 30, Orange City; and including the Corneck property described as the South 1/2 of Lot 22, except the West 462 feet thereof, Block 30, Plat of the Assessors Subdivision of Orange City, according to the plat thereof as recorded in Map Book 3, Page 86, of the Public Records of Volusia County, Florida, less and except any portion taken for new Road Right-of-Way for West Rhode Island Avenue pursuant to that certain Warrantee deed recorded May 4, 2006 in Official Records Book 5822, Page 1691; and including (Corneck) the North 1/2 of Lot 22, except the West 528 feet thereof, Block 30, Plat of the Assessors Subdivision of Orange City, according to the plat thereof as recorded in Map Book 3, Page 86, of the Public Records of Volusia County, Florida; and including the Heart of Christ property located in the South 40.0 feet of Lot 14, Block 30, and all of Lots 27, 28, and 31; (Except the South 100.0 feet of Lot 31 located in the Rhode Island right-of-way), all in Block 30, Orange City, according to the plat thereof as recorded in Map Book 3, Page 86, of the Public Records of Volusia County, Florida.

Section 11, Township 18 South, Range 30 East

All of Section 11, Township 18 South, Range 30 East, except Lots 41 through 43, inclusive, Block B, and except Lots 6 and 7, Block C, all in Haley Place, Block 29, Orange City (East Ohio Avenue and Joe Street); and except Lots 1, 2 and 3, Block 6, and Lots 2, 3 and 4,

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Block 5, all located within Lake Fountain Highlands, Section B, Map Book 25, Page 60 (Raintree Drive).

Section 12, Township 18 South, Range 30 East

All of the southwest 1/4 of Section 12, Township 18 South, Range 30 East, except a triangular county retention area located in the northeast 1/4 of the northwest 1/4 of the southwest 1/4 of Section 12; and also including that portion of land belonging to John Knox Village located in the southwest 1/4 of the northwest 1/4 of Section 12, Township 18 South, Range 30 East, more specifically described as Lot, 17, Lots 42 to 44 inclusive, Lot 50, Lots 54 to 62 inclusive, Lots 70 to 83 inclusive, and Lots 87 to 89 inclusive, Silverstone Subdivision, Map Book 23, Page 205; and including the entire northeast 1/4 of the northwest 1/4 of Section 12, Township 18 South, Range 30 East also known as the Orange City Heights subdivision, Map Book 19, Page 6; and also including a portion of the southeast 1/4 of the northwest 1/4 of Section 12, Township 18 South, Range 30 East described as Lots 1 and 2, Country Woods subdivision, Map Book 37, Page 113; and including all of the southeast 1/4 of Section 12, Township 18 South, Range 30 East except the south 1/2 of the southeast 1/4 of the southeast 1/4 (Lavallee 20-acre property on the northwest corner of Rhode Island and Kentucky); and also including the entire southeast 1/4 of the northeast 1/4 of Section 12, Township 18 South, Range 30 East (Sherwood Oaks Subdivision); and also including the entire northeast 1/4 of the northeast 1/4 of Section 12, Township 18 South, Range 30 East (Liberty Square); and also including the entire northwest 1/4 of the northeast 1/4 of Section 12, Township 18 South, Range 30 East (Land O Lakes, Rosado), except the 160 x 180 foot county retention area on the southeast corner of Veterans Memorial Parkway and East Graves Avenue; and also including the west 1/2 of the southwest 1/4 of the northeast 1/4 (also known as Blocks 12, 15, 16 and 19, Orange City Heights, Map Book 19, Page 6, all abutting on the north and south sides of Veterans Memorial Parkway); and also including the north 1/2 of the west 1/2 of the east 1/2 of the southwest 1/4 of the northeast 1/4 (Grimm property) except the right-of-way in Veterans Memorial Parkway in Section 12, Township 18 South, Range 30 East.

Section 7, Township 18 South, Range 31 East

That portion of Section 7, Township 18 South, Range 31 East, bounded on the north by Graves Avenue, on the east by Interstate 4, on the west by South Kentucky Avenue, and on the south by the proposed East Rhode Island extension.

Section 13, Township 18 South, Range 30 East

That portion described as the west 1/2 of Section 13, Township 18 South, Range 30 East, and including an area described as the southwest 1/4 of the southeast 1/4 of Section 13, Township 18 South, Range 30 East.

Section 14, Township 18 South, Range 30 East

That portion described as the east 1/2 of Section 14, Township 18 South, Range 30 East except the south 660 feet of the west 990 feet of the southeast 1/4 of the northeast 1/4 and except the east 1/2 of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 (said exception also known as the Volusia County Wastewater Treatment Plant), except Lots 25 to 28, inclusive, Block 20, Orangedale Subdivision; and also including the northwest 1/4 of the northwest 1/4 of Section 14, Township 18 South, Range 30 East except the east 818 feet of the south 135 feet thereof; and also including the northeast 1/4 of the northwest 1/4 of Section 14, Township 18 South, Range 30 East (Williams and Dixie Highlands

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Subdivision bounded on the north by East Rhode Island Avenue and on the south by East Elm Drive); and also including the east 555 feet of the southwest 1/4 of the northwest 1/4 of Section 14, Township 18 South, Range 30 East, except the south 135.5 feet of the north 185.5 feet of the east 100 feet of the west 905 feet of the southeast 1/4 of the northwest 1/4, and except the south 135.5 feet of the north 321 feet of the east 100 feet of the west 905 feet of the southeast 1/4 of the northwest 1/4, and except the south 135.5 feet of the north 185.5 feet of the east 92.5 feet of the west 755 feet of the southeast 1/4 of the northwest 1/4, and except the south 135.5 feet of the north 185.5 feet of the east 100 feet of the west 402.5 feet of the southeast 1/4 of the northwest 1/4 (Burley); and also including the north 50 feet of the west 780 feet of the southwest 1/4 of the northwest 1/4 of Section 14, Township 18 South, Range 30 East, and including the west 302.5 feet of the south 135.5 feet of the north 185.5 feet of the southeast 1/4 of the northwest 1/4 (Beckman), and including the south 135.5 feet of the north 185.5 feet of the east 352.5 feet of the west 755 feet of the southeast 1/4 of the northwest 1/4 (Smith and Rodriguez); and including the southeast 1/4 of the northwest 1/4 except the south 1,136 feet of the west 780 feet (Chaudhari, etal); and also including Lots 1 and 2, Block 2, Orange City Hills, Section A, Map Book 23, Page 148, (Gialombardo East Elm Drive); and including the north 130 feet of the west 220 feet of the southwest 1/4 of the northwest 1/4 (Four Townes Executive Center); and also including the west 180 feet of Lots 1 to 4 inclusive, Block 3, lying east of South Volusia Avenue, Orange City Hills, Section A, Map Book 23, Page 148, and including Lots 5 and 6, Block 3, and west 1/2 of alley, and Lots 7 to 10 inclusive, Block 3, and Lot 3, Block 12, and adjacent east 1/2 of alley (vacated per Resolution #85-131), all in Orange City Hills, Section A, Map Book 23, Page 148 (Elm to Gardenia) ; and also including Lots 4 to 6 inclusive, Block 6 (Convenience Store), and Lots 1 to 6 inclusive, Block 9 (RJB, Herrold); and Lot 7, Block 10 (Jefferson), all in Orange City Hills, Section A, Map Book 23, Page 148; and also including Lots 1 to 3 inclusive, Breezewood Center, Map Book 41, Page 88. (Riverside Bank, La Hacienda, Pastis); and also including an irregular parcel in Lots 7 & 8, Block 2, Blue Springs Park, Map Book 1, Page 107, Being the south 236.0 feet north of Grand Plaza Drive, measured on the east line of the west 180 feet east of Enterprise Road measured on the south line, and being the 205 feet on the southwest line and 180 feet on the north line, and 116.98 feet on the northwest line (Bank of America); and including a parcel described as follows; Beginning at the intersection of the North line of Lot 2, Block 3, of Blue Springs Park, according to the plat thereof as recorded in Map Book 17, Page 33, of the Public Records of Volusia County, Florida, with the east right-of-way of Enterprise Road, thence run South 30°00'21" East along said right-of-way a distance of 300.0 feet, thence run North 74°04'06" East 190.156 feet, thence run North 207.61 feet to the North line of Lot 2; thence run West along said North line 332.88 feet to the Point of Beginning, Less the Northerly 5.0 feet thereof for the road, except for the part lying within 50.0 feet of the existing centerline of State Road Volusia County No. 64-2 (Road identification No. 90) Enterprise Road. The land herein described contains 1.2568 acres (Fairwinds); and including a Parcel of land being a part of Lots 3 & 4, Block 3, of Blue Springs Park, in Section 14, Township 18 South, Range 30 East, according to Map Book 17, Page 33, of the Public Records of Volusia County, Florida, and also being part of that land described in Book 2400, Page 1505, Official Records of said Volusia County, being more particularly described as follows: Begin at the Southwest corner of Lot 12, Block 6, Breezewood Park, Unit 6, according to Plat Book 34, Page 149, of the Public Records of Volusia County, and run thence South eighty-nine degrees, fifty-nine minutes and thirty-three seconds West, along the northerly line of Ada Avenue 235.50 feet; thence departing from said northerly line, run North thirty degrees, three minutes and six seconds West 484.27 feet; thence run South seventy-four degrees, three minutes and fifty-

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one seconds West 82.97 feet; thence run North zero degrees, two minutes and fourteen seconds West (North Deed) 202.62 feet to the Southerly line of Douglas Avenue (Grand Plaza Drive 70 feet wide); thence run South eighty-nine degrees, fifty-eight minutes and nine seconds East along said Southerly line 558.89 feet to the Westerly line of said Breezewood Park, Unit 6; thence run South zero degrees, five minutes and thirty-three seconds West, along said Westerly line 598.68 to the Point of Beginning (Merrill Gardens); and including the north 150.0 feet of approximately the south 190.0 feet measured on the east line of Enterprise Road, of the east 180.0 feet located west of Enterprise Road (2490 Enterprise Road); and also including Breezewood Park subdivision, Unit 8, consisting of 22 lots, and located in the southeast 1/4 of the southeast 1/4 of Section 14, Township 18 South, Range 30 East.

Section 15, Township 18 South, Range 30 East

The High School property located in the west 1/2 of the northwest 1/4 of Section 15, Township 18 South, Range 30 East, and including the north 3/4 of the northeast 1/4 of the northwest 1/4; and including Lot 6, Block D, Replat of Orange City Hills, Unit 3, Map Book 37, Page 149; and also including Lot 1, Block F, Fox Run, Unit Two, Map Book 38, Page 46; and also including Lots 1 and 2, Block E, Fox Run, Unit Two, Map Book 38, Page 46 (said lots located on Dogwood Avenue); and also including the south 1/4 of the southeast 1/4 of the northwest 1/4 of Section 15, Township 18 South, Range 30 East, (Briarwood North); and including Lots 1 to 13 inclusive, and Lots 17 to 31 inclusive, and Lots 39 to 43 inclusive, all lots in Orange City Hills, Unit 4, Map Book 23, Page 97 (said lots located on West Elm Drive (paper street)); and also including the Ford property located in the northwest 1/4 of the southwest 1/4, and including the south 1/2 of the northeast 1/4 of the southwest 1/4 of Section 15, Township 18 South, Range 30 East; (START SOUTHEAST QUARTER) and including the north 1/2 of the northwest 1/4 of the southeast 1/4 of Section 15 (Hadlow Park Subdivision); and also including Lot 11, Block B, Rolling Acres (Smith) , an Unrecorded Subdivision, located in the south 1/4 of the northwest 1/4 of the southeast 1/4; and also including Lots 7 & 8, Block B, Rolling Acres. (Miller Landings); and also including Lot 6, Block B, Rolling Hills, except the north 264.35 feet of the east 315.72 feet (Whispering Pines); and also including Lots 1 & 2, Block B, Rolling Acres, an Unrecorded Subdivision (Superior Shed and Value Pawn) Unrecorded Subdivision; and including Lot 4, Block C, Rolling Acres Unrecorded Subdivision located in the southeast 1/4 (Jun); and including the Atchley property described as the North 60 Feet of the East 350 Feet of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 Except State Road and Including Lots 10 to 12 Inclusive, and the East 1/2 of alley next with Orange City Hills Unit 2, Except State Road, per Official Records 0480, Page 0267, and the West 1/2 of Alley lying East of Lot 13, Orange City Hills Unit 2, Map Book 19, Page 135, per Official Records 3893, Page 4762; and including the Hill and Beckman property described as that part of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida, being more specifically described as follows: Commencing at the Northeast corner of the Southeast 1/4 of said Section 15, run thence South 00°13' 49" West along the East line of the Southeast 1/4 of said Section 15, a distance of 60 feet; run thence South 89° 53' 54" West, a distance of 72.89 feet to a point on the Westerly Right-of-Way of U. S. Highway 17-92, being the Point of Beginning; thence continue South 89° 53' 54" West, a distance of 276.54 feet; run thence North 00° 11' 18 " East, a distance of 60 feet; run thence South

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89° 53' 54" West, a distance of 100 feet; run thence South 00° 33' 40" East, a distance of 159.02 feet; run thence North 89° 53' 54" East, a distance of 369.51 feet to the Westerly Right-of-Way of said U. S. Highway 17-92; run thence North 03° 03' 06" East, along said Right-of-Way a distance of 99.17 feet to the Point of Beginning; and including the (Atchley rear road) property described as the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 except the East 450 feet and including the West 8 feet of Lot 14 and all of Lots 15 and 16, Orange City Hills Unit 2, Map Book 19, Page 135, Section 15, Township 18 South, Range 30 East, per Official Records 2344, Page 1992; and including the (Haynes) property described as the South 172.74 Feet measured on the West Line of the East 356.13 Feet measured on the South Line of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 18 South, Range 30 East, Except State Road per Official Record Book 2929, Page 0261; and including the (Hepsworth) property described as the East 200 Feet as measured on the North Line of the Northerly 100 Feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 18 South, Range 30 East, lying West of US 17-92 (SR 15), per Official Record 3387 Page 1987; and including the (Angels Used Car) property described as follows: Commencing at the East 1/4 corner of said Section 15, Township 18 South, Range 30 East,; thence run S 00°13'49" W, along the East line of the Southeast 1/4 of said Section 15, a distance of 663.29 feet, to the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 15; thence run S 89°52'06" W, along the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 15, a distance of 129.74 feet, to the West right-of-way line of U.S. Highway 17-92 (S.R. No.15); thence run Northerly along said West right-of-way line, being a curve concave to the West, having a chord length of 98.03 feet, a chord bearing of N 08°09'24" E and a central angle of 00°59'27" to the Point of Beginning; thence continue Northerly along said West right-of-way line being a curve concave to the West, having a chord length of 135.70 feet; a chord bearing of N 06°58'32" E and a central angle of 01°22'18"; thence run S 89°53'00" W and parallel to the North line of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 15, a distance of 150.97 feet; thence run Southerly along a curve concave to the West, having a chord length of 135.80 feet; a chord bearing of S 07°10'10" W and a central angle of 01°24'36", thence run N 89°52'06" E and parallel to the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 15, a distance of 151.44 feet to the Point of Beginning, per Official Record Book 4946, Page 0667, of the Public Records of Volusia County, Florida (end of Angels); and including the (Oak Shade Apartments) property described as the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida, lying West of U.S. Highway 17-92 (State Road No. 15), Except the following described parcels, per Official Record 2597, Page 1686; (START NORTHEAST QUARTER) and also including (Rhode Island right-of-way) Lots 1 to 3 inclusive, and all adjoining vacated Mimosa Drive, Spring Lakes subdivision, Map Book 11, Page 255, and including (Chaudhari office building and River City Landings restaurant) Lots 4 to 13 inclusive, Spring Lakes subdivision, Map Book 11, Page 255; and also including (Used car lot) Lots 1 to 5 inclusive, and Lot 74; and (Sunoco and Big T Tire) Lots 6 to 16 inclusive, and Lots 47 and 48, First Addition to Spring Lakes subdivision, Map Book 19, Page 100; and also including (Family Realty to Used car lot) Lots 4 to 13, and Lot 37, and Lots 60 and 61 Orange City Hills subdivision, Unit 1, Map Book 19, Page 126; and

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also including (Wendys to convenience store on Holly) Lots 1 to 9, and Lot 54, and adjacent vacated street, Orange City Hills subdivision, Unit 2, Map Book 19, Page 135, all in Section 15.

Section 22, Township 18 South, Range 30 East

Including the north 721.17 feet of the east 650 feet of the northeast 1/4, also known as Lots 4 to 7, Block C, Rolling Acres unrecorded subdivision 215 (Hernandez, Ahmed, T & T, Rinaldi) all north of Shady Lane; and also including the south 663.71 feet of the east 650 feet of the north 1/2 of the northeast 1/4, also known as Lots 1 to 4, Block D, Rolling Acres unrecorded subdivision 215 Acupt, Acupt, Shivji, Seventh Day Adventist) all south of Shady Lane; and also including an irregular parcel lying on the south line of Tremonte Drive and on the east line of Highway US 17-92 being approximately the south 480 feet of the north 724.88 feet in Section 22, Township 18 South, Range 30 East. (Royal Oaks); and also including the south 300 feet of the north 1024.46 feet of the northeast 1/4, east of Highway US 17-92, also known as north 1/2 of Lot 6, Block A, Rolling Acres unrecorded subdivision 215. (Emmaus); and also including the south 300 feet of the north 1324.46 feet of the northeast 1/4, east of Highway US 17-92, also known as the south 1/2 of Lot 6 and including Lot 7, Block A, Rolling Acres unrecorded subdivision 215. (Emmaus); and also including an irregular parcel being the north 320.78 feet measured on the east line of Highway US 17-92 of the west 166.10 feet on the north line of the southeast 1/4 of the northeast 1/4 in Section 22, Township 18 South, Range 30 East. (Gulliver); and also including an irregular parcel being the south 83.48 feet measured of the north 507.30 feet on the east right-of-way of Highway US 17-92 of the west 166.10 feet of the southeast 1/4 of the northeast 1/4 in Section 22, Township 18 South, Range 30 East. (Melvin); and also including an irregular parcel measuring 723.59 feet on the east line and 683.70 feet on the north line in the southeast 1/4 of the northeast 1/4 in Section 22, Township 18 South, Range 30 East. (FDOT); and including Lots 1 to 3, Gateway Center at Orange City subdivision, Map Book 48, Pages 187 through 189, Inclusive; and including a parcel being that part of the south 1/2 of the northeast 1/4 adjacent to Block E, Terra Alta, Map Book 31, Page 151, measuring 707.61 feet on the west line and 307.10 feet on the north line and 309.34 feet along the north right-of-way of Maplehurst Avenue and 706.86 feet along west right-of-way line of US 17-92; and including that part of the south 1/4 of the northeast 1/4 adjacent to Block D, Terra Alta, Map Book 31, Page 151, south of Maplehurst Avenue, and west of US 17-92, except for new right-of-way for SR 15/600 (US 17/92), all said properties listed above being located in the northeast 1/4 of Section 22, Township 18 South, Range 30 East.

Section 23, Township 18 South, Range 30 East

Including the entire north 1/2 of Section 23, Township 18 South, Range 30 East, except for that portion of Four Townes Plaza located in the extreme northwest 1/4 of the northwest 1/4 of the northwest 1/4; and except for that parcel located in the north 1/4 of the northwest 1/4 described as being 265.76 feet on the east line of Enterprise Road and 400 feet on the east line and 749.67 feet on the south line, and except a parcel measuring 283 feet on the road right-of-way and measuring 640 feet on the south line of the northwest 1/4. (both Orange City Villas); and also including the entire southwest 1/4 of Section 23, Township 18 South, Range 30 East, except for that portion lying within the jurisdiction of the City of DeBary, said exception being more specifically described as the southwest 1/4 of the southwest 1/4; and except the west 1/2 of the northwest 1/4 of the southwest 1/4; and except the west 1/2 of the southeast 1/4 of the southwest 1/4; and except for the south 1/4 of the east 1/2 of the southeast 1/4 of the southwest 1/4, except the east 50 feet located in Orange City, all located within the City of DeBary; and also including that part of the east 1/2 of the

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northeast 1/4 of the southwest 1/4, located east of Enterprise Road, and including that parcel described as the north 200 feet of the east 145 feet (Circle K); and including that parcel known as Enterprise Professional, located immediately south of the Circle K parcel; and also including only the following properties lying within the southwest 1/4 of Section 23: the entire southwest 1/4 of the southeast 1/4; and Lots 7 and 8, Block 8; and also including Lots 1 and 2 and the north 12.3 feet, Block 3 (Progress Energy), and also including Lots 3, 4, 5, 6, and 7, Block 3 (Tire Kingdom, Fazolis), being bounded on the north by Saxon Boulevard and on the east by Bloxham Avenue and on the south by Florida Avenue; and including Lots 1 to 9 inclusive, Block 4 (Jena Medical, Peoples Bank, KFC, etc.); and including Lots 3 to 9 inclusive, Block 2 (Sprint telephone substation, Chilis, Steak "N Shake, Lowes retention, Pizza Hut); and Lots 1 and 2, Block 2 (Colonial Bank, Zaxby's); and Lots 2 through 9, Block 1 (Williams, Florida Hospital); and including all of Block 5 (Denny's, Sonny's, Circle K); all said Lots being a part of Orange City Estates, Units 1 and 2, Map Book 23, Page 61

Section 24, Township 18 South, Range 30 East

Including the north 1/2 of Section 24, Township 18 South, Range 30 East, being bounded on the west side by Veterans Memorial Parkway and on the east side by Interstate 4, except for that portion described as the Deltona Memorial Gardens, Map Book 29, Page 97; and also including portions of the south 1/2 of Section 24, Township 18 South, Range 30 East, more specifically described as Lots 8 through 10 inclusive, Block 13 (Park & Ride); and including Lot 15 and the west 45 feet of Lot 14, Block 13 (Baldauff Funeral Home); and including Lots 19 through 23, Block 13 (Chick-fil-A, etc.); and all of Block 14 (Office Depot to Bob Evans) bounded on the north by Saxon Boulevard, on the east by Interstate 4, on the west by Broward Avenue, all said Lots being a part of Orange City Estates, Units 1 and 2, Map Book 23, Page 61.

Section 26, Township 18 South, Range 30 East

Including the entire northeast 1/4 of Section 26, Township 18 South, Range 30 East, except for the south 200 feet of the north 1467.25 feet on the east right-of-way of Enterprise Road, measuring 650 feet on the north line and 560 feet on the south line (U-Haul at 2861 Enterprise Road); and except for a vacant and irregular parcel located in the northeast 1/4 lying east of and adjacent to Enterprise Road, being the 509.99 feet on north line and 273.14 feet on the east line (immediately south of U-Haul); and except for that portion located within the southeast 1/4 of the northeast 1/4 within the jurisdiction of the City of DeBary, Florida also known as Summerhaven, Phase 1, Map Book 39, Page 41; all of which described above is located within the northeast 1/4 of Section 26; and also including an irregular parcel being the west 300.12 feet of the east 650.12 feet measured on the north line of the north 350 feet measured on the east line of Enterprise Road located in the northeast 1/4 of the southeast 1/4 of Section 26, Township 18 South, Range 30 East.

The boundaries of the City of Orange City, Florida, shall also include any parcels or properties annexed by the City after the enactment of this Resolution, adopted in 2008.

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