

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Elaine Wilson, Planning & Zoning Analyst II ^س
DATE: February 7, 2008
SUBJECT: **Amendment of Ordinance No. 334**

PURPOSE

Amend Ordinance 334 to correct a scrivener's error within the legal description of the subject property.

BACKGROUND

Ordinance No. 334 vacated the subdivision plat located within the Orange City Heights subdivision, including three rights-of-way for the purpose of returning said subdivision to acreage. The vacation was done in connection with the LBB Medical Office Complex Planned Unit Development. The legal description of the said subdivision plat is identified in Ordinance No. 334 as consisting of Block 12, Lots 17, 42, 43, 44, 45, 54, 55, 56, 57, 58, 59, 60, 61, and 62. Due to a scrivener's error, the legal description is incorrectly stated and needs to be corrected.

RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 352, thereby correcting a scrivener's error in Ordinance No. 334.

ORDINANCE NO. 352

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ORANGE CITY, FLORIDA,
AMENDING ORDINANCE 334, AS ADOPTED
ON MARCH 11, 2008 TO CORRECT
SCRIVENER'S ERROR; PROVIDING FOR
SEVERABILITY, CONFLICTS AND
EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Orange City adopted Ordinance No. 334 on March 11, 2008; and

WHEREAS, Ordinance No. 334 vacated the subdivision plat located within the Orange City Heights subdivision, including three rights-of-way for the purpose of returning said subdivision to acreage; and

WHEREAS, the legal description of the said subdivision plat is identified in Ordinance No. 334 as consisting of Block 12, Lots 17, 42, 43, 44, 45, 54, 55, 56, 57, 58, 59, 60, 61, and 62; and

WHEREAS, due to a scrivener's error, said legal description is incorrectly stated in Ordinance No. 334 and in need of correction.

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

SECTION 1. The legal description for the Orange City Heights subdivision abandoned, vacated and closed by Ordinance No. 334 should have been, and is now hereby corrected to read as follows:

**"18-30-12 E1/2 OF W1/2 OF SW1/4 OF NE1/4 & INC BLK 12, BLK 15 &
BLK 16 ORANGE CITY HEIGHTS MB 19 PG 6 PER OR 4850 PG 628
ALL LYING N OF VETERANS MEMORIAL PKWY PER OR 5102 PG
3996 PER OR 5684 PG 1940-1941 PER OR 5684 PG 1942"**

SECTION 2. CONFLICTS. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. 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 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida, and approval as provided by law.

ROLL CALL VOTE AS FOLLOWS:

First Reading this _____ day of _____, 2008.

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

ROLL CALL VOTE AS FOLLOWS:

Second Reading this _____ day of _____, 2008.

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

PASSED and 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, Jr., City Attorney