

## MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**PREPARED BY:** Jim Kerr, City Planner & Wendy Hickey, Planning & Zoning Analyst *JHK*

**DATE:** July 1, 2008

**SUBJECT:** **Annexation a Portion of the West Rhode Island Right-of-way**

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### PURPOSE

To approve an ordinance that annexes a certain portion of right-of-way into the City limits of Orange City.

### BACKGROUND

This right-of-way annexation is due to the fact that a goodly portion of West Rhode Island Avenue is already located within the City limits of Orange City. Having unincorporated rights-of-way lying adjacent to the City limits causes confusion with regard to police and fire jurisdictions and the provision of emergency services.

With this annexation, the City's intent is not to assume the maintenance responsibility of the street, but instead, to provide police and fire, and emergency services to the right-of-way, for the protection of life, safety, and welfare of the Orange City community and the public at large.

According to the Attorney General Opinion (AGO 96-74) jurisdiction of public roads may be transferred from one governmental entity to another by mutual agreement of the affected governmental entities.

Attached is the annexation Ordinance, a property status report describing the property, and a map depicting the area proposed for annexation.

### RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 359, thereby annexing the subject right-of-way into the City limits of Orange City.

## ORDINANCE NO. 359

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING A CERTAIN PORTION OF THE RIGHT OF WAY OF WEST RHODE ISLAND AVENUE INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; IN ACCORDANCE WITH THE 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**, Florida Statutes, Chapter 171, provides for the exclusive method of municipal annexation, in order to ensure sound urban development and efficient provision of urban services,

**WHEREAS**, it is the public interest for the City of Orange City to promote compact and contiguous provision of municipal services that further the protection of life, safety, and welfare of the community, and

**WHEREAS**, a portion of the right-of-way of West Rhode Island Avenue, as described herein, are bounded on one side by the City limits of the City of Orange City, and

**WHEREAS**, having unincorporated right-of-way such as the portion on West Rhode Island Avenue, as described herein, lying adjacent the City limits, causes confusion with regard to police and fire jurisdictions and the provision of other emergency services, and

**WHEREAS**, the intent of this ordinance is not to assume the maintenance responsibility of the aforementioned described street, but instead, to provide police, fire, and emergency services to that certain aforementioned described right-of-way, for the protection of life, safety, and the welfare of the Orange City Community, and

**WHEREAS**, the County of Volusia has stated they have no objection to such annexation, and

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

**SECTION 1.** The portion of right-of-way, generally located on West Rhode Island Avenue approximately 400 feet east of South Sparkman Avenue, containing approximately 0.759 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. 359):**

First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 359):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	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:

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

# **Attachment A Ordinance No. 359**

## **Legal Description Portion of West Rhode Island Avenue Right-of Way**

**Property located on West Rhode Island Avenue**

**Name: West Rhode Island Right-of-Way**

**Street West Rhode Island Avenue  
Address:**

**Parcel ID: 8011-08-30-0311**

**Acreage: 0.759**

**Legal Description: The South 100.0 feet of Lot 31, 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.**

**Containing 0.759 acres, more or less.**



# West Rhode Island Avenue Right-of-way Status Report

## Ownership Status

Applicants Name	County of Volusia				
Owners Name	County of Volusia				
Company Name	County of Volusia				
Mailing Address	123 W Indiana Avenue				
City	Deland	State	Florida	Zip	32720

## General Description of Current Property Status:

Property Location	Located on the north side of West Rhode Island Ave approximately 400 feet east of South Sparkman Avenue.				
Property Address					
Size of Property	Width:	331.44	Depth:	100	Acres: 0.759
Total Acres	0.759				
Population	None, unoccupied				
Number of Structures	None				
Dwelling Units	None				
Building Square Feet	None				
Parcel Number	8011-08-30-0311				
Legal Description	See Attachment A to Ordinance 359				

## Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(17.88440)	(18.38254)
City Millage Rate	N/A	(4.50000)
Assessed Land Value	12,403	12,403
Assessed Building Value	0	0
Exemption	0	0
Taxable Value	0	0
Stormwater	0	N/A
Total Ad Valorem	0	0
City Ad Valorem	N/A	0

The above revenues are based on the assessed property value as listed in the Volusia County proposed 2007 Tax Year.

## Subject Property Current Land Use and Zoning Description

<b>The subject property currently maintains the following:</b>	
Land Use Designation	(Volusia County) (ULI) Urban Low Intensity
Zoning	(Volusia County) (R-4) Urban Single Family Residential
The property is right of way for West Rhode Island Avenue	

## Subject Property Proposed Land Use and Zoning Description

<b>The subject property is proposed to be changed to the following:</b>	
Land Use Designation	(Orange City) (RL) Residential Low
Zoning	(Orange City) (R-1) Low Density Residential