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MEMORANDUM

TO: Honorable Mayor and City Council Members

PREPARED BY: Jim Kerr, City Planner *JHK*

DATE: April 6, 2009

SUBJECT: **Annexation of Monroe Investments Property
Located at Veterans Memorial parkway**

PURPOSE

To approve a request from Jerry Cutrona to annex his property, located on Veterans Memorial Parkway, into the City limits of Orange City.

BACKGROUND

An annexation petition was received on March 26, 2009 from Jerry Cutrona (dba Monroe Investments, LLC), requesting the 0.60 acre property to be annexed into the City limits.

The Monroe property is currently vacant and undeveloped. The annexation of this property continues City Council's intent to "square off" and "fill-in" areas within the City's designated planning area. Based on the 2008 tax roll information, the taxable value of the property is \$25,728, thereby creating a potential City ad valorem revenue of \$115.26 under its current county zoning of RR Rural Residential. Additional revenues will be realized from ad Valorem and utility taxes following annexation of the property.

Attached is the annexation Ordinance, a property status report describing the property, a copy of the annexation petition, and a map depicting the area proposed to be annexed.

RECOMMENDATION

Staff recommends City Council approval of Ordinance No. 386, thereby annexing the subject property into the City limits of Orange City.

ORDINANCE NO. 386

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MONROE INVESTMENTS PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF VETERANS MEMORIAL PARKWAY, APPROXIMATELY 2,350 FEET SOUTH OF EAST GRAVES AVENUE, CONTAINING APPROXIMATELY 0.60 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, Monroe Investments, LLC is the owner in fee simple of certain real property generally located on the east side of Veterans Memorial Parkway, approximately 2,350 feet south of East Graves Avenue, containing approximately 0.60 acres as hereinafter described, and

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

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

WHEREAS, the City Council of the City of Orange City hereby finds that the Monroe property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Monroe 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 Monroe property, generally located on the east side of Veterans Memorial Parkway, approximately 2,350 feet south of East Graves Avenue, containing approximately 0.60 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. 386):

First Reading this _____ day of _____, 2009.

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

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 386):

Second Reading this _____ day of _____, 2009.

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

PASSED and ADOPTED this _____ day of _____, 2009.

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. 386

Legal Description

Monroe Investments Annexation

Property located on Veterans Memorial Parkway

Name: Monroe Investments LLC

Street Address: Veterans Memorial Parkway

Parcel ID: 8012-04-00-0192

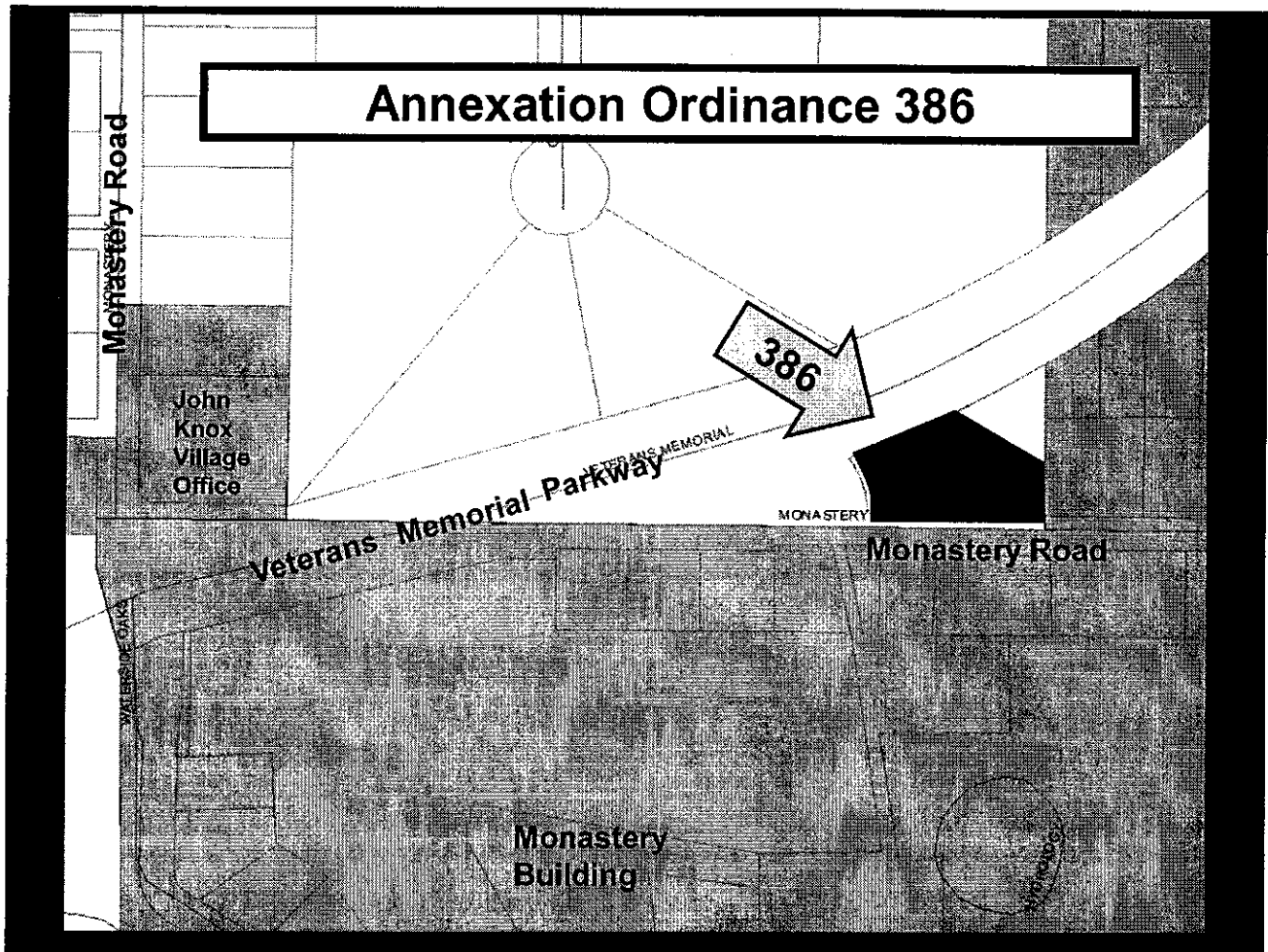
Acreage: 0.60

Legal Description: That part of Lot 19, Country Woods, According to the plat thereof, Recorded in Map Book 37, Pages 112 and 113, of the Public Records of Volusia County, Florida, Lying south of Veterans Memorial Parkway, in Section 12, Township 18 South, Range 30 East.

Attachment B

Ordinance No. 386

Monroe Annexation – Ord No 386



Monroe Investments Property Status Report 0192

Ownership Status

Property Owner	Monroe Investments LLC			
Applicants Name	Jerry Cutrona			
Mailing Address	248 Via Tuscany Lane			
City	Lake Mary	State	Florida	Zip 32746

General Description of Current Property Status :

Property Location	Located on the east side of Veterans Memorial Parkway approximately 2,350 feet south of East Graves Avenue.			
Property Address	Veterans Memorial Parkway			
Size of Property	Width: Irregular	Depth: Irregular	Acres: 0.60	
Total Acres	0.60			
Population	None			
Number of Structures	None			
Dwelling Units	None			
Building Square Feet	None			
Parcel Number	8012-04-00-0192			
Legal Description	See Attachment A Legal Description to Ordinance 385			

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	25,728	25,728
Assessed Building Value	0	0
Exemption	0	0
Taxable Value	25,728	25,728
Stormwater	0	N/A
Total Ad Valorem	498.82	495.52
City Ad Valorem	N/A	115.26

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) ULI Urban Low Intensity
Zoning	(Volusia County) RR Rural Residential
The property is vacant and undeveloped.	

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) MX Mixed Use
Zoning	(Orange City) MX-2 Mixed Use
The proposed property usage is unknown at this time.	

Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Jerry Cutrona** Phone:

Business Name: **Monroe Investments LLC** Phone:

Address: **248 Via Tuscany Loop** Fax:

City: **Lake Mary** State: **Florida** Zip: **32746**

Mailing Address: **Same** e-mail:

City: State: Zip:

Property Information

Property Address: **Veterans Memorial Parkway**

The subject property is located on the **east** side of **Veterans Memorial Parkway**
approximately **2,350** feet **South** from its intersection with **East Graves Avenue**

Parcel Number: **8012-04-00-0192** Parcel Number: **N/A** Acres **0.60**

The existing land use of the property is **Single family residential**

Whereas, (I / We) **Monroe Investments LLC**
(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 Monroe Investment 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