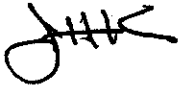


MEMORANDUM

TO: Honorable Mayor and City Council Members

PREPARED BY: Jim Kerr, City Planner 

DATE: May 20, 2009

SUBJECT: **Annexation of Todd James and Alan James Property
Located on West Fern Drive**

PURPOSE

To approve a request from Todd James and Alan James to annex their property, located on West Fern Drive, into the City limits of Orange City.

BACKGROUND

An annexation petition was received on April 3, 2009 from Todd James and Alan James, requesting their 0.47 acre property to be annexed into the City limits.

The James 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 \$25,746, thereby creating a potential City ad valorem revenue of \$115.34 under its current county zoning of R-4 Urban Single Family Residential. Additional revenues will be realized from ad Valorem and utility taxes following annexation and development 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. 388, thereby annexing the subject property into the City limits of Orange City.

ORDINANCE NO. 388

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE JAMES PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FERN DRIVE, APPROXIMATELY 750 FEET EAST OF PECAN DRIVE, CONTAINING APPROXIMATELY 0.47 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, Todd James and Alan James are the owners in fee simple of certain real property generally located on the south side of West Fern Drive, approximately 750 feet east of Pecan Drive, containing approximately 0.47 acres as hereinafter described, and

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

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

WHEREAS, the City Council of the City of Orange City hereby finds that the James property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the James 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 James property, generally located on the south side of West Fern Drive, approximately 750 feet east of Pecan Drive, containing approximately 0.47 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. 388):

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. 388):

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. 388

Legal Description

James Annexation

Property located on West Fern Drive

Name: Todd James and Alan James

Street Address: 450 West Fern Drive

Parcel ID: 8015-00-00-0250

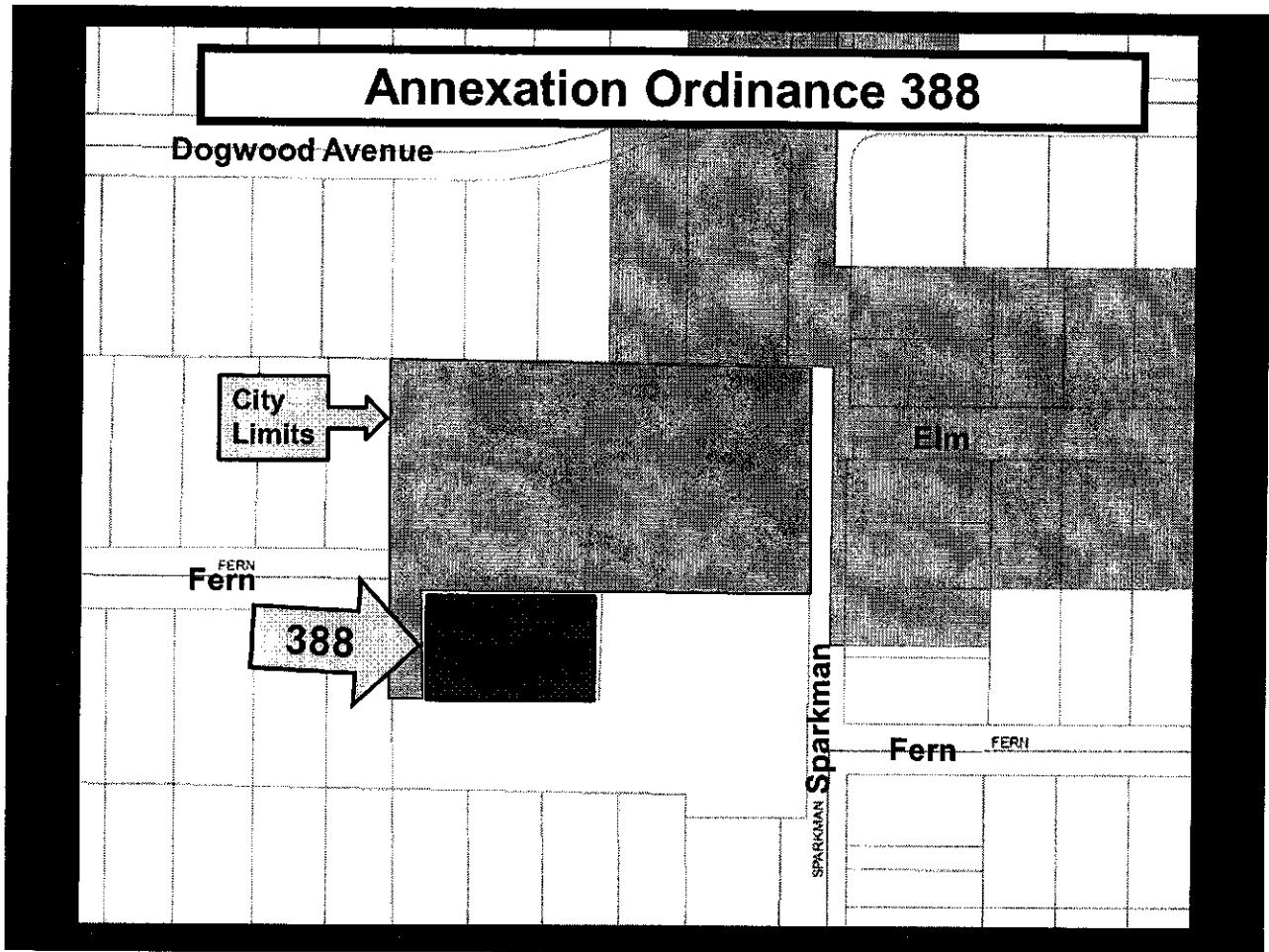
Acreage: 0.47

Legal Description: Commencing at the intersection of the North line of property described as the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 18 South, Range 30 East, Volusia County, Florida; and the centerline of South Sparkman Avenue, Orange City, Florida; run thence West along said North line a distance of 230 feet to the Point of Beginning; run thence West along said North line 180 feet; run thence South, parallel to said centerline, 115 feet; run thence East, parallel to said North line, 180 feet; run thence North, parallel with said centerline, 115 feet to the Point of Beginning.

Attachment B

Ordinance No. 388

Todd James and Alan James Annexation



Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Todd A. James and Alan James** Phone:

Business Name: **N/A** Phone:

Address: **525 Charles Avenue** Fax:

City: **Orange City** State: **Florida** Zip: **32763**

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

City: State: Zip:

Property Information

Property Address: **450 West Fern Drive**

The subject property is located on the **south** side of **West Fern Drive**
approximately **750** feet **east** from its intersection with **Pecan Drive**

Parcel Number: **8015-00-00-0250** Parcel Number: **N/A** Acres **0.47**

The existing land use of the property is **Vacant and undeveloped**

Whereas, (I / We) **Todd A. James and Alan James**
(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 James 0250 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

TODD JAMES
Print Name

Todd James
Signature

ALAN JAMES
Print Name

Alan James
Signature

Print Name

Signature

Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the 3 day of April 2009
who is/are personally known to me or has/ have produced driver's license
as identification.

NOTARY PUBLIC-STATE OF FLORIDA
L. Elaine Wilson
Commission # DD596641
Expires: NOV. 01, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

L. Elaine Wilson
Signature, Notary Public

Notary Stamp

The City of Orange City
Petition for Annexation

James Property Status Report

Ownership Status

Applicants Name	Todd and Alan James				
Owners Name	N/A				
Company Name	N/A				
Mailing Address	525 Charles Avenue				
City	Orange City	State	Florida	Zip	32763

General Description of Current Property Status:

Property Location	Located on the south side of West Fern Drive approximately 750 feet east of Pecan Drive.				
Property Address	450 West Fern Drive				
Size of Property	Width:	Various	Depth:	Various	Acres: 0.47
Total Acres	0.47				
Population	None				
Number of Structures	None				
Dwelling Units	None				
Building Square Feet	None				
Parcel Number	8015-00-00-0250				
Legal Description	See Attachment A legal description to Ordinance 388				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	25,746	25,746
Assessed Building Value	0	0
Exemption	0	0
Taxable Value	25,476	25,746
Stormwater	0	N/A
Total Ad Valorem	499.17	495.87
City Ad Valorem	N/A	115.34

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) (R-4) Urban Single Family Residential
	The property is vacant and undeveloped.

Subject Property Proposed Land Use and Zoning Description

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