

Meeting Date: 12/13/2011



Agenda Item # 5-A

# CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr *JHK* Department Director: Alison Stettner *Al. Stettner*  
 Department/Contact # 386 775-5414 City Manager: Jamie Croteau

- Type of Item:
- |                                     |                          |                          |                     |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/>            | Public Hearing           | <input type="checkbox"/> | Resolution          |
| <input checked="" type="checkbox"/> | Ordinance First Reading  | <input type="checkbox"/> | Discussion & Action |
| <input type="checkbox"/>            | Ordinance Second Reading | <input type="checkbox"/> | Council Approval    |

**Subject: Annexation of the OC Villa's property into City limits – Ord. No. 477**

**BACKGROUND:**

Rusty Fleming has requested his property to be annexed into the City limits, said property being located at 2515 and 2555 Enterprise Road, and consisting of 10.25 acres. The subject property is currently developed as a multi-family senior apartment complex.

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 2011 tax roll information, the taxable value of the property is \$1,501,651, thereby creating a potential City ad valorem revenue of \$14,700 under its current county zoning of R-7 Urban Multi Family Residential. Additional revenues will be realized from utility taxes following annexation of the property. This property is located in District 1 and there are 112 residents living onsite.

**RECOMMENDATIONS:**

City staff recommends that City Council approve and adopt Ordinance No. 477, therein annexing the subject property into the City limits of Orange City.

**ATTACHMENTS:**

- Annexation Ordinance No. 477
- Attachment A Legal Description
- Attachment B Map depicting the subject property
- Property Status Report
- Annexation Petition

**FINANCIAL IMPACT:**

None anticipated

Reviewed by City Attorney \_\_\_\_\_  
 Reviewed by Finance Dept. \_\_\_\_\_  
 Reviewed by: \_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> 12/13/2011	<b>2<sup>nd</sup> Discussion Date:</b> Click here to enter a date.	<b>Third Discussion Date:</b> Click here to enter a date.	<b>Other Dates:</b> Click here to enter a date.
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## **ORDINANCE NO. 477**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE ORANGE CITY VILLAS PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF ENTERPRISE ROAD, APPROXIMATELY 1000 FEET SOUTH OF GRAND PLAZA DRIVE, CONTAINING APPROXIMATELY 10.25 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.**

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**WHEREAS**, Rusty Fleming (dba Orange City I, LLC and Orange City II, LLC) is the owner in fee simple of certain real property generally located on the east side of Enterprise Road, approximately 1000 feet south of Grand Plaza Drive, containing approximately 10.25 acres as hereinafter described, and

**WHEREAS**, the Orange City Villas 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 Orange City Villas property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Orange City Villas 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 Orange City Villas property, generally located on the east side of Enterprise Road, approximately 1000 feet south of Grand Plaza Drive, containing approximately 10.25 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. 477):**

First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Gary A. Blair	_____	Ronald L. Saylor	_____
Michael G. Wright	_____	Tom Abraham	_____
Anthony Pupello	_____	O. William Crippen, Vice Mayor	_____
Tom Laputka, Mayor	_____		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 477):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Gary A. Blair	_____	Ronald L. Saylor	_____
Michael G. Wright	_____	Tom Abraham	_____
Anthony Pupello	_____	O. William Crippen, Vice Mayor	_____
Tom Laputka, Mayor	_____		

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Tom Laputka, Mayor

Approved as to form and legal sufficiency:

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

# **Attachment A**

## **Ordinance No. 477**

### **Legal Description**

#### **Orange City Villas Annexation**

Property located on Enterprise Road

Name: Orange City I, LLC and Orange City II, LLC

Street Address: 2515 and 2555 Enterprise Road

Parcel ID: 8023-00-00-0077 and 8023-00-00-0082

Acreage: 6.10 + 4.15 = 10.25

Legal Description: 8023-00-00-0077  
A portion of Section 23, Township 18 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 23, and run South 00°52'33" East along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 23, a distance of 30.0 feet to the Point of Beginning; Thence run South 89°59'53" East along the South right-of-way of Jameson Drive, a distance of 466.68 feet; Thence run South 00°52'33" East, a distance of 400.0 feet; Thence run North 89°59'53" West, a distance of 749.67 feet to a point on the East right-of-way line of Enterprise Road; Thence run North 30°03'53" West along said right-of-way line, a distance of 265.76 feet to the Southwest corner of the Tract heretofore conveyed to Joe R. Romano; Thence run South 89°58'51" East along the South boundary of the said Romano Tract, a distance of 412.62 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 23; Thence run North 00°52'33" West, along said West line, a distance of 170.09 feet to the Point of Beginning.

Less and except a portion of Section 23, Township 18 South, Range 30 East, more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 23 and run South 00°52'33" East, a distance of 200.09 feet; Thence run North 89°58'51" West, a distance of 392.62 feet for a Point of Beginning; From the Point of Beginning run thence South 30°03'53" East for a distance of 265.76 feet; Thence run North 89°59'53" West to the Centerline of Enterprise Road as it now exists; Thence run North 30°03'53" West, a distance of 265.76 feet; Thence run South 89°58'51" East to the Point of Beginning.

**8023-00-00-0082**

**Parcel 1:**

A portion of Section 23, Township 18 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 23; Thence run South  $00^{\circ}52'33''$  East a distance of 30.0 feet; Thence run South  $89^{\circ}59'53''$  East and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 466.68 feet; Thence run South  $00^{\circ}52'33''$  East, a distance of 400.0 feet to the Point of Beginning; Thence run North  $89^{\circ}59'53''$  West, and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 748.70 feet to a point 30.0 feet Northeasterly of and at right angles to the existing centerline of Enterprise Road, as presently located; Thence run South  $30^{\circ}03'53''$  East and parallel to the existing centerline of Enterprise Road, as presently located, a distance of 283.06 feet; Thence run South  $89^{\circ}59'53''$  East and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 640.64 feet; Thence run North  $00^{\circ}52'33''$  West, a distance of 365.0 feet; Thence run North  $89^{\circ}59'53''$  West, and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 30.00 feet; Thence run South  $00^{\circ}52'33''$  East, a distance of 120.0 feet to the Point of Beginning.

**Parcel 2**

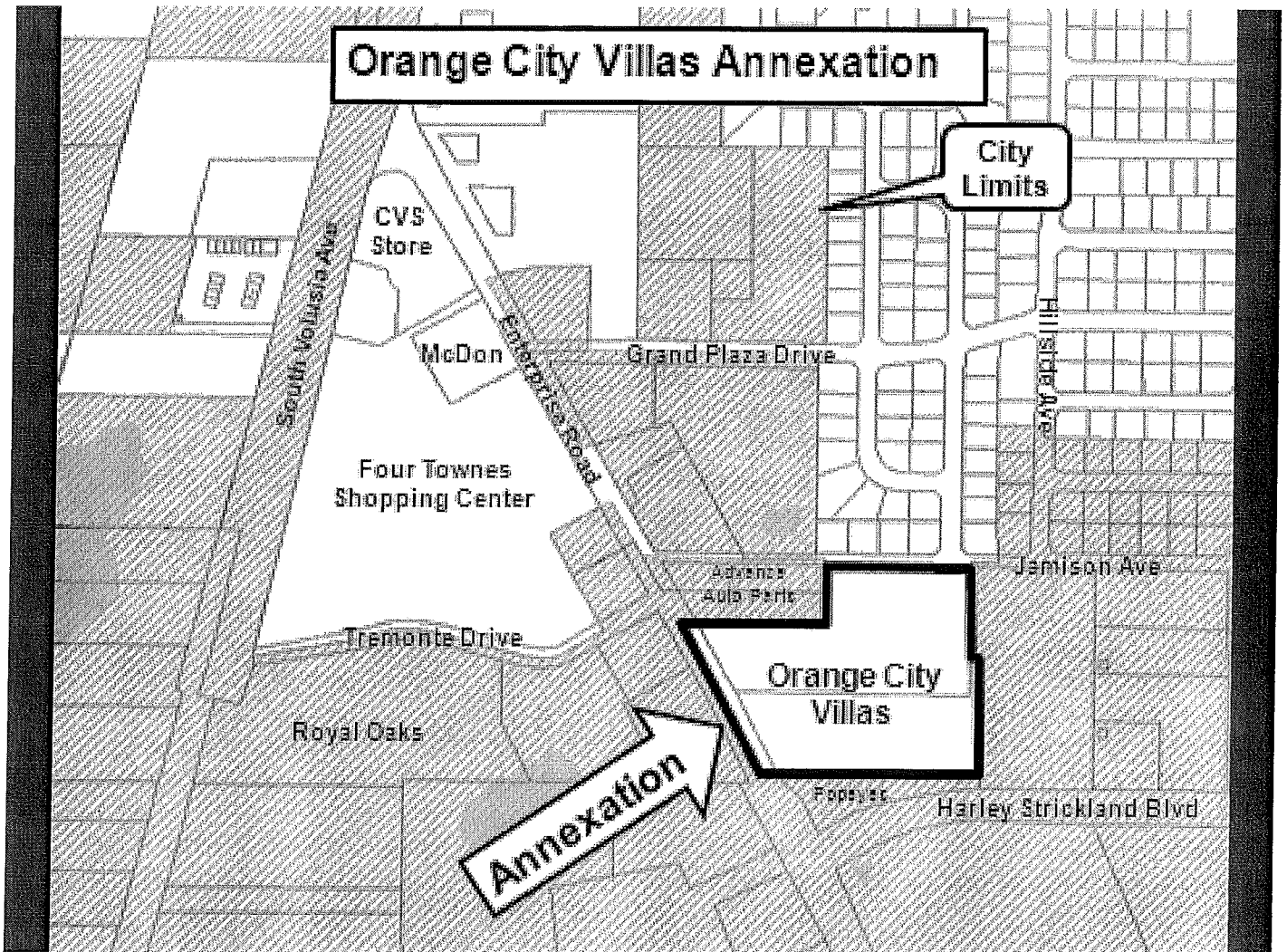
Easement rights, as contained in that certain Grant of Easements, recorded in Official Record Book 2338, Page 778 of the Public Records of Volusia County, Florida.

Also, annexing to the centerline of all surrounding rights-of-way abutting the property described herein.

# Attachment B

## Ordinance No. 477

### Orange City Villas Annexation Map



## Orange City Villas Property Status Report

### Ownership Status

Property Owner	Orange City I, LLC and Orange City II, LLC				
Applicants Name					
Mailing Address	2515 and 2555 Enterprise Road				
City	Orange City	State	Florida	Zip	32763

### General Description of Current Property Status

Property Location	Located on the east side of Enterprise Road approximately 1,000 feet south of Grand Plaza Drive.				
Property Address	2515 and 2555 Enterprise Road				
Size of Property	Width:	Irregular	Depth:	Irregular	Acres: 10.25
Total Acres	6.10 and 4.15 = 10.25 acres				
Population	72 + 40 = 112				
Number of Structures	12 + 7 = 20 residential buildings, plus 1 office building				
Dwelling Units	60 + 36 = 96				
Building Square Feet	Total of 65,954 for 20 buildings				
Parcel Number	8023-00-00-0077 and 8023-00-00-0082				
Legal Description	See Attachment A Legal Description to Ordinance No. 477				

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(23.2398)	(24.6685)
City Millage Rate	N/A	(7.0757)
Assessed Land Value	576,000	576,000
Assessed Building Value	1,501,651	1,501,651
Exemption	0	0
Taxable Value	2,077,651	2,077,651
Stormwater	6,912	N/A
Total Taxes	55,196.19	51,252.53
City Ad Valorem	N/A	14,700.83

The above revenues are based on the assessed property value as listed in the Volusia County 2011 Tax Roll.

### Subject Property Current Land Use and Zoning Description

<b>The subject property currently maintains the following:</b>	
Land Use Designation	(Volusia County) UHI Urban High Intensity
Zoning	(Volusia County) R-7 Urban Multi Family Residential
	The property usage is a senior residential apartment facility

### Detailed 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) RH Residential High
Zoning	(Orange City) R-3 High Density Residential
	The property is proposed to continue as residential apartments.

# Petition for Annexation Into the City of Orange City, Florida

Applicant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Business Name: **Orange City I, LLC** Phone: \_\_\_\_\_  
                  **c/o American Apartment Mgmt Co. Inc.**  
Address: **900 South Gay Street, Suite 1504** Fax: \_\_\_\_\_  
City: **Nashville** State: **TN** Zip: **37902**  
Mailing Address: **Same** e-mail: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

## Property Information

Property Address: **2515 Enterprise Road**

The subject property is located on the **East** Side of **Enterprise Road**  
approximately **1200** Feet south From its intersection with **Grand Plaza Drive**

Parcel Number: **8023-00-00-0077** Parcel Number: **N/A** Acres **6.09**

The existing land use of the property is **Multi Family Apartments**

Whereas, (I / We) **Orange City I, 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 **Orange City Villas I 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 TN County of KNOX

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

ORANGE City I, LLC  
By: AMERICAN APARTMENT MGMT. CO., INC.  
IT'S SOLE PARTNER

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

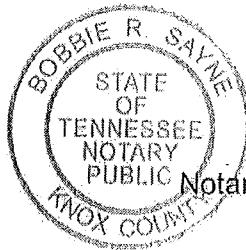
By: Russell W. Fleming, President

R. Fleming  
Signature

\_\_\_\_\_  
Signature

Subscribed and sworn to (or affirmed) before me on this the 9th day of November 2011  
who is/are personally known to me or has/ have produced \_\_\_\_\_  
as identification.

Bobbie R. Sayne  
Signature, Notary Public



My Commission Expires August 29, 2012  
Notary Stamp

# Attachment A

## Legal Description Orange City Villas I Annexation

Property located on Enterprise Road

Name: Orange City I, LLC

Street Address: 2515 Enterprise Road

Parcel ID: 8023-00-00-0077

Acreage: 6.09

Legal Description: A portion of Section 23, Township 18 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 23, and run South 00°52'33" East along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 23, a distance of 30.0 feet to the Point of Beginning; Thence run South 89°59'53" East along the South right-of-way of Jamison Drive, a distance of 466.68 feet; Thence run South 00°52'33" East, a distance of 400.0 feet; Thence run North 89°59'53" West, a distance of 749.67 feet to a point on the East right-of-way line of Enterprise Road; Thence run North 30°03'53" West along said right-of-way line, a distance of 265.76 feet to the Southwest corner of the Tract heretofore conveyed to Joe R. Romano; Thence run South 89°58'51" East along the South boundary of the said Romano Tract, a distance of 412.62 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 23; Thence run North 00°52'33" West, along said West line, a distance of 170.09 feet to the Point of Beginning.

Less and except a portion of Section 23, Township 18 South, Range 30 East, more particularly described as follows:

Commence at the Northwest corner of of the Northeast 1/4 of the Northwest 1/4 of said Section 23 and run South 00°52'33" East, a distance of 200.09 feet; Thence run North 89°58'51" West, a distance of 392.62 feet for a Point of Beginning; From the Point of Beginning run thence South 30°03'53" East for a distance of 265.76 feet; Thence run North 89°59'53" West to the Centerline of Enterprise Road as it now exists; Thence run North 30°03'53" West, a distance of 265.76 feet; Thence run South 89°58'51" East to the Point of Beginning.

# Petition for Annexation Into the City of Orange City, Florida

Applicant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Business Name: **Orange City II, LLC** Phone: \_\_\_\_\_  
**c/o American Apartment Mgmt Co. Inc.**  
Address: **900 South Gay Street, Suite 1504** Fax: \_\_\_\_\_  
City: **Nashville** State: **TN** Zip: **37902**  
Mailing Address: **Same** e-mail: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

## Property Information

Property Address: **2555 Enterprise Road**

The subject property is located on the **East** Side of **Enterprise Road**  
approximately **1200** Feet **south** From its intersection with **Grand Plaza Drive**  
Parcel Number: **8023-00-00-0082** Parcel Number: **N/A** Acres **4.15**

The existing land use of the property is **Multi Family Apartments**

Whereas, (I / We) **Orange City II, 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 Orange City Villas II 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 TN County of KNOX

ORANGE CITY II, LLC  
BY: American Art. Mgmt. Co., Inc.  
its sole partner

Print Name  
BY: Russell W. Fleming, President  
Signature  
R. Fleming

Print Name  
Signature

Print Name

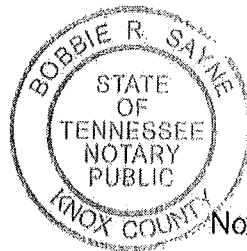
Print Name

Signature

Signature

Subscribed and sworn to (or affirmed) before me on this the 9th day of November 2011  
who is/are personally known to me or has/ have produced \_\_\_\_\_  
as identification.

Bobbie R. Sayne  
Signature, Notary Public



My Commission Expires August 29, 2012

Notary Stamp

# Attachment A

## Legal Description Orange City Villas II Annexation

Property located on Enterprise Road

Name: Orange City Villas II, Ltd

Street Address: 2555 Enterprise Road

Parcel ID: 8023-00-00-0082

Acreage: 4.15

Legal Description: Parcel 1:  
A portion of Section 23, Township 18 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 23; Thence run South 00°52'33" East a distance of 30.0 feet; Thence run South 89°59'53" East and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 466.68 feet; Thence run South 00°52'33" East, a distance of 400.0 feet to the Point of Beginning; Thence run North 89°59'53" West, and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 748.70 feet to a point 30.0 feet Northeasterly of and at right angles to the existing centerline of Enterprise Road, as presently located; Thence run South 30°03'53" East and parallel to the existing centerline of Enterprise Road, as presently located, a distance of 283.06 feet; Thence run South 89°59'53" East and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 640.64 feet; Thence run North 00°52'33" West, a distance of 365.0 feet; Thence run North 89°59'53" West, and parallel to the North line of the Northwest 1/4 of said Section 23, a distance of 30.00 feet; Thence run South 00°52'33" East, a distance of 120.0 feet to the Point of Beginning.

### Parcel 2

Easement rights, as contained in that certain Grant of Easements, recorded in Official Records Book 2338, Page 778 of the Public Records of Volusia County, Florida.