



Meeting Date: 2/22/2011

Agenda Item # 5-B

# CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: *Alan Stettin*  
 Department/Contact # 386 775-5414 City Manager: *J. Curran*

- 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 Whitelock property into City limits – Ord. No. 452**

**BACKGROUND:**

CKC Whitelock, LLC. has requested their property to be annexed into the City limits, said property being located at 2481 North Volusia Avenue, and consisting of 1.34 acres. The subject property is developed as a commercial retail facility.

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 2010 tax roll information, the taxable value of the property is \$298,993, thereby creating a potential City ad valorem revenue of \$1,896.96 under its current county zoning of B-4 General Commercial. Additional revenues will be realized from utility taxes following annexation of the property. This property is located in District 4 and there are no residents onsite.

**RECOMMENDATIONS:**

City staff recommends that City Council approve and adopt Ordinance No. 452, therein annexing the subject property into the City limits of Orange City.

**ATTACHMENTS:**

- Annexation Ordinance No. 452
- Legal Description Exhibit A
- Map depicting the subject property Exhibit B
- 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> 2/22/2011	<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. 452**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE WHITELOCK PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF NORTH VOLUSIA AVENUE, APPROXIMATELY 300 FEET SOUTH OF WEST MINNESOTA AVENUE, CONTAINING APPROXIMATELY 1.34 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**, The CKC Whitelock, LLC is the owner in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 300 feet south of West Minnesota Avenue, containing approximately 1.34 acres as hereinafter described, and

**WHEREAS**, the Whitelock 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 Whitelock property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Whitelock 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 Whitelock property, generally located on the west side of North Volusia Avenue, approximately 300 feet south of West Minnesota Avenue, containing approximately 1.34 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. 452):**

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

Jeff H. Allebach	_____	Thomas Laputka	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	O.William Crippen, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 452):**

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

Jeff H. Allebach	_____	Thomas Laputka	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	O.William Crippen, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**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. 452**

### **Legal Description**

#### **Whitelock Annexation**

**Property located on North Volusia Avenue**

**Name: CKC Whitelock, LLC.**

**Street Address: 2481 North Volusia Avenue**

**Parcel ID: 8003-02-00-0028, 8003-02-00-0020, and 8003-02-00-0021**

**Acreage: 1.34**

**Legal Description: 8003-02-00-0028 - The East 236.0 feet of the South 130.0 feet of Lot 2, Orange City Deland Farms Subdivision, according to the map or plat thereof as recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida, except that portion deeded to Florida State Road Department for the use as Highway 17-92 and subject to a right-of-way over the South 30.0 feet thereof, and**

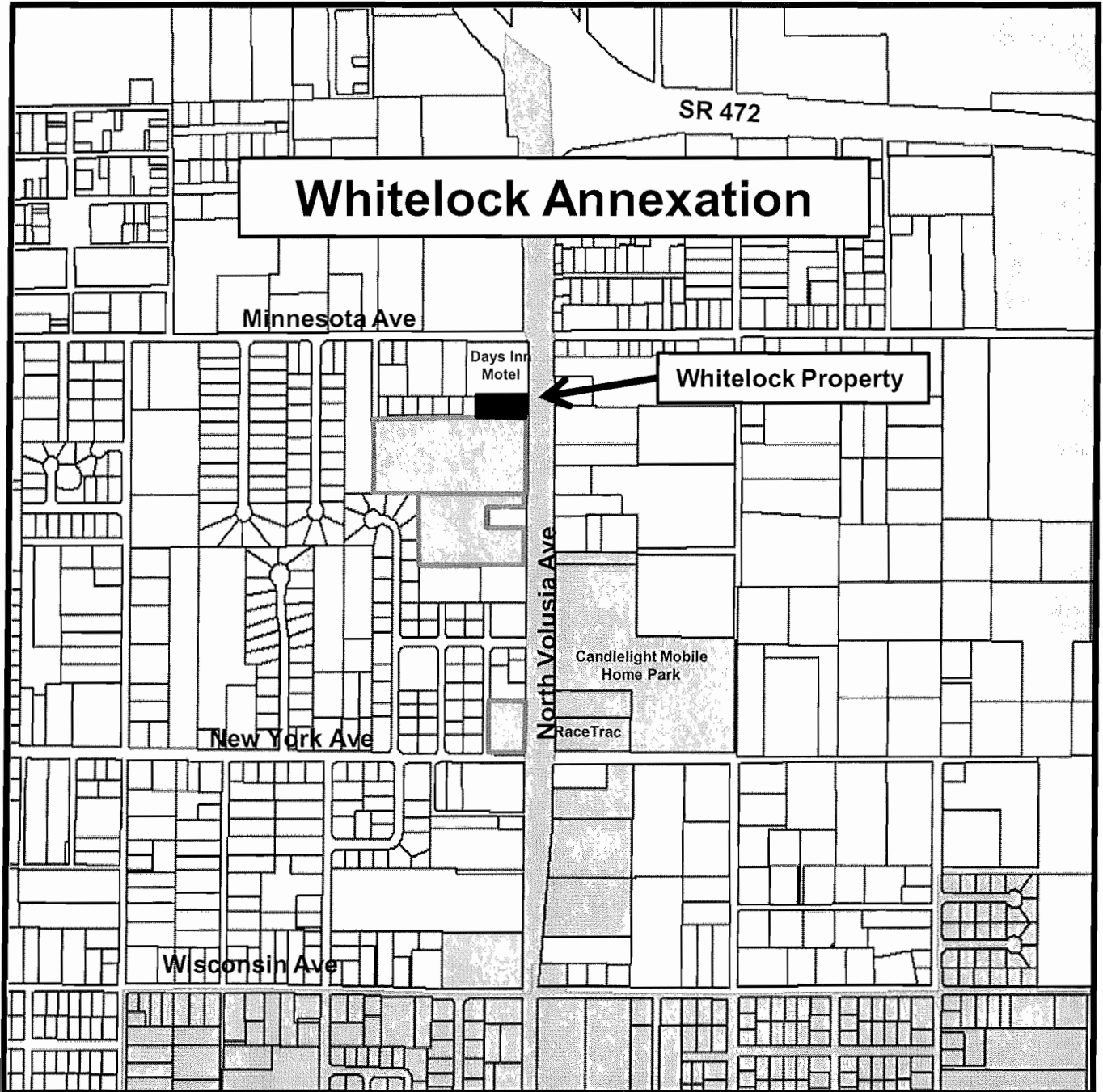
**8003-02-00-0020 - The South 30.0 feet of the East 700.0 feet of the West 781.0 feet of Lot 2, Except the South 30.0 feet of the East 105.0 feet of the West 681.0 feet of Lot 2, Orange City Deland Farms Subdivision, according to the map or plat thereof as recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida, and.**

**8003-02-00-0021 - The West 100.0 feet of the East 336.0 feet of the North 100.0 feet of the South 130.0 feet of Lot 2, Orange City Deland Farms Subdivision, according to the map or plat thereof as recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida, together with the right-of-way for ingress, egress and regress, on the following described property not herein or hereby conveyed, to wit; the South 30.0 feet of the East 336.0 feet of Lot 2, Orange City Deland Farms Subdivision, according to the map or plat thereof as recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida.**

# Attachment B

## Ordinance No. 452

### Whitelock Annexation Map



## Whitelock Property Status Report

### Ownership Status

Property Owner	CKC Whitelock, LLC.			
Applicants Name				
Mailing Address	678 Reisterstown Road			
City	Pikesville	State	Maryland	Zip 21208

### General Description of Current Property Status :

Property Location	Located on the west side of North Volusia Avenue approximately 300.0 feet south of West Minnesota Avenue.			
Property Address	2481 North Volusia Avenue			
Size of Property	Width: Irregular	Depth: Irregular	Acres: 1.34	
Total Acres	1.34			
Population	None			
Number of Structures	One commercial building			
Dwelling Units	None			
Building Square Feet	6,600			
Parcel Number	8003-02-00-0028, 8003-02-00-0020, 8003-02-00-0021			
Legal Description	See Attachment A Legal Description to Ordinance No. 452			

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(22.56410)	(23.41610)
City Millage Rate	N/A	(6.34450)
Assessed Land Value	139,058	139,058
Assessed Building Value	159,935	159,935
Exemption	0	0
Taxable Value	298,993	298,993
Stormwater	362.88	N/A
Total Ad Valorem	7,109.38	7,001.25
City Ad Valorem	N/A	1,896.96

The above revenues are based on the assessed property value as listed in the Volusia County 2010 Tax Roll.

### Subject Property Current Land Use and Zoning Description

<b>The subject property currently maintains the following:</b>	
Land Use Designation	(Volusia County) Commercial
Zoning	(Volusia County) B-4 Com General
	The property usage is commercial retail

### 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) CG Commercial General
Zoning	(Orange City) CG-1 Commercial General
	The property is proposed to continue as commercial retail.

# Petition for Annexation

## Into the City of Orange City, Florida

Applicant's Name: **CKC Whitelock, LLC.** Phone:

Business Name: Phone:

Address: **678 Reisterstown Road** Fax:

City: **Pikesville** State **Maryland** Zip: **21208**  
:

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

City: State: Zip:

### Property Information

Property Address: **2481 North Volusia Avenue**

The subject property is located on the **west** side of **North Volusia Avenue**  
approximately **300** feet **south** from its intersection with **West Minnesota Avenue**

Parcel Number: **8003-02-00-0028** Parcel Number: **0020 and 0021** Acres **1.34**

The existing land use of the property is **Commercial - Retail Stores**

Whereas, (I / We) **CKC Whitelock, 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 Whitelock 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 MARYLAND County of HOWARD

CORY REHAK, MEMBER OF CKC WHITELOCK, LLC

Print Name

Print Name



Signature

Signature

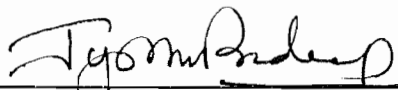
Print Name

Print Name

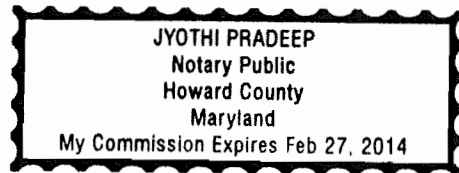
Signature

Signature

Subscribed and sworn to (or affirmed) before me on this the 4 day of Feb 2011  
who is/are personally known to me or has/ have produced MDDL  
as identification.



Signature, Notary Public



Notary Stamp

The City of Orange City  
Petition for Annexation

# Attachment A

## Legal Description

### Whitelock Annexation

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