

## ORDINANCE NO. 407

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MIGHTY T REALTY, INC. PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH VOLUSIA AVENUE, APPROXIMATELY 245 FEET SOUTH OF MILLER ROAD, CONTAINING APPROXIMATELY 5.80 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**, Mighty T Realty, Inc. is the owner in fee simple of certain real property generally located on the west side of South Volusia Avenue, approximately 245 feet south of Miller Road, containing approximately 5.80 acres as hereinafter described, and

**WHEREAS**, the Mighty T Realty 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 Mighty T Realty property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that, the Mighty T Realty 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 Mighty T Realty property, generally located on the west side of South Volusia Avenue, approximately 245 feet south of Miller Road, containing approximately 5.80 acres as depicted on Attachment "B", 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. 407):**

First Reading, this 2nd day of November, 2009.

O. William Crippen	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary A. Blair	<u>yes</u>	Tom Abraham	<u>Absent</u>
Tom Laputka	<u>yes</u>	Jeff Allebach	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**ROLL CALL VOTE AS FOLLOWS:**

Second Reading, this 8th day of December, 2009.

O. William Crippen	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary A. Blair	<u>yes</u>	Tom Abraham	<u>yes</u>
Tom Laputka, Vice Mayor	<u>yes</u>	Jeff Allebach	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**PASSED and ADOPTED** this 8th day of December, 2009.

**ATTEST:**

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

**AUTHENTICATED:**

Harley Strickland  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

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

Debbie Renner, City Clerk  
City of Orange City  
205 E. Graves Avenue  
Orange City, FL 32763

# Attachment A

## Legal Description Mighty T Realty, Inc. Annexation

Property located on South Volusia Avenue

Name: **Mighty T Realty, Inc.**

Street Address: **2479 South Volusia Avenue**

Parcel ID: **8015-10-03-0020**

Acreage: **5.80**

Legal Description: Tracts 2 and 3, Block C, Rolling Acres of Orange City, an unrecorded Plat, more completely described as follows:

Tract 2: From the 1/4 corner on the South line of Section 15, Township 18 South, Range 30 East, Volusia County Florida, run N 89°40'44" E, 1408.16 feet; thence N 13°54'13" E, 328.31 feet to a Point of Beginning; thence continue N 13°54'13" E, 200 feet; thence N 89°58'42" E, 631.44 feet to the Westerly Right-of-Way line of U.S. Highway 17& 92; thence S 13°54'13" W along said Right-of-Way line 200 feet; thence S 89° 58'42" W, 631.44 feet to the Point of Beginning.

Tract 3: From the 1/4 corner on the South line of Section 15, Township 18 South, Range 30 East, Volusia County, Florida, run N 89°46'44" E, 1408.16 feet; thence N 13°54'13" E, 128.31 feet to a Point of Beginning; thence continue N 13°54'13" E, 200 feet; thence N 89°58'42" E, 631.44 feet to the Westerly Right-of Way line of U.S. Highway 17 & 92; thence S 13°54'13" W, along said Right-of Way line 200 feet; thence S 89°58'42" W, 631.44 feet to the Point of Beginning.

# Attachment B Ordinance No. 407

## Mighty T Realty, Inc. Annexation

