

ORDINANCE NO. 428

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE MAZZOLA PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF NORTH VOLUSIA AVENUE, APPROXIMATELY 200 FEET NORTH OF EAST NEW YORK AVENUE, CONTAINING APPROXIMATELY 19.69 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, Mario and Ann Mazzola are the owners in fee simple of certain real property generally located on the east side of North Volusia Avenue, approximately 200 feet north of East New York Avenue, containing approximately 19.69 acres as hereinafter described, and

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

WHEREAS, the property owners are desirous of having their property annexed into the City limits of the City of Orange City, Florida, and

WHEREAS, the property owners have 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 Mazzola property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Mazzola 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 Mazzola property, generally located on the east side of North Volusia Avenue, approximately 200 feet north of East New York Avenue, containing approximately 19.69 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. 428):

First Reading this 24th day of August, 2010.

Jeff H. Allebach	<u>yes</u>	Thomas Laputka, Vice Mayor	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>yes</u>	Bill Crippen	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		


ROLL CALL VOTE AS FOLLOWS (Ordinance No. 428):

Second Reading this 14th day of September, 2010.

Jeff H. Allebach	<u>Absent</u>	Thomas Laputka, Vice Mayor	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>Absent</u>	Bill Crippen	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 14th day of September, 2010.

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

Attachment A

Ordinance No. 428

Legal Description

Mazzola Annexation

Property located on North Volusia Avenue

Name: **Mario and Ann Mazzola**

Street Address: **2000 North Volusia Avenue**

Parcel ID: **8002-00-00-0190 and 8002-00-00-0191**

Acreage: **19.69**

Legal Description: Parcel 1: The West 1/2 of the South 1/2 of the North 1/4 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except that portion in State Road 600 also known as US Highway 17-92 and less and except the North 70 feet thereof, AND.

The South 1/2 of the Northwest 1/4 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except that portion in State Road 600 also known as US Highway 17-92, AND

Parcel 2: The West 677.32 feet of the South 1/2 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except that portion in State Road 600 also known as US Highway 17-92 and less and except the South 370 feet thereof, AND

Parcel 3: The South 1/2 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except the South 370 feet of the West 622.32 feet thereof, and less and except the West 677.32 feet (except the South 370 feet) thereof and less and except the South 30 feet thereof and less and except the East 30 feet thereof, AND

Parcel 4: The North 70 feet of the West 1/2 of the South 1/2 of the North 1/4 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except that portion in State Road 600 also known as US Highway 17-92, AND

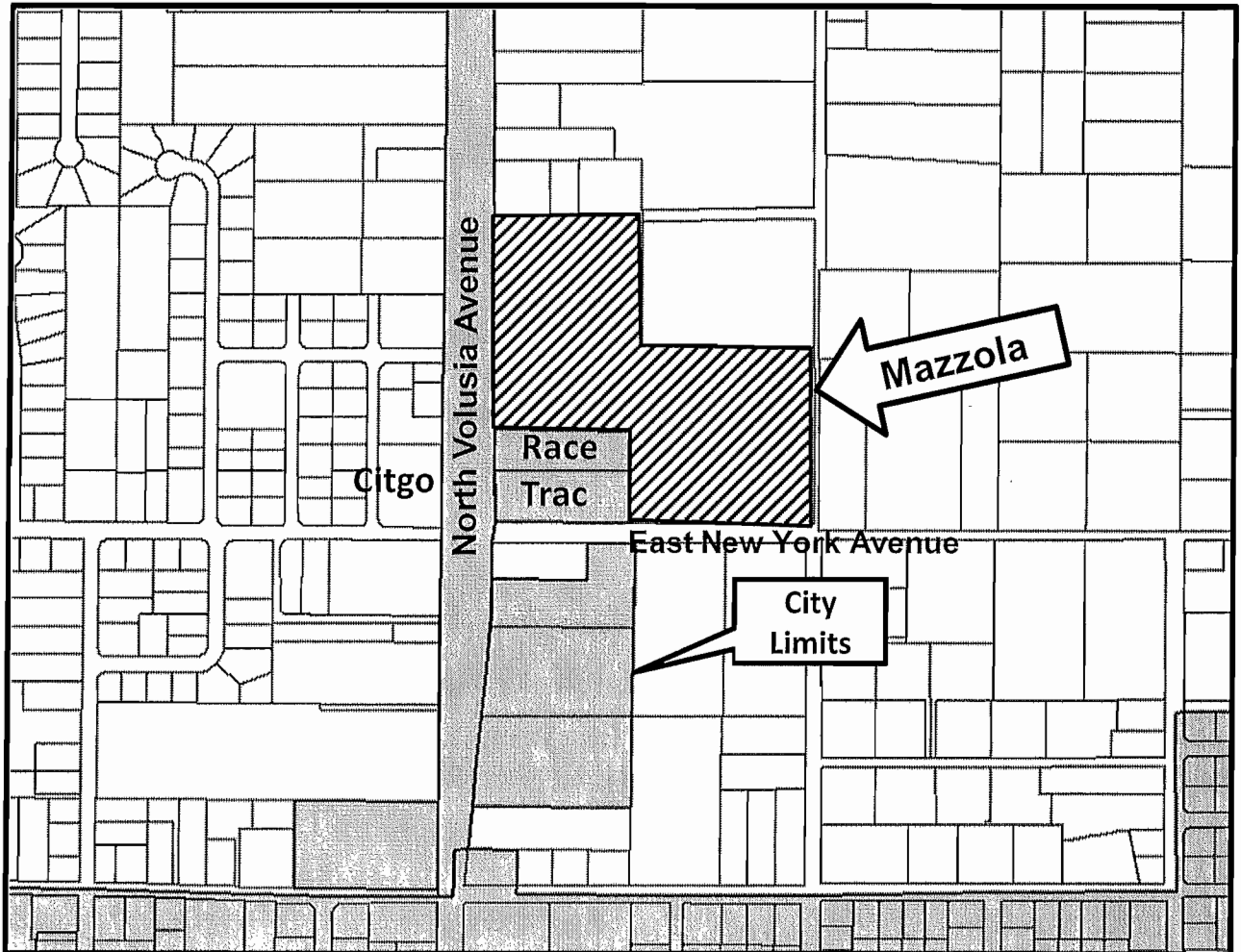
Parcel 5: That part of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, described as follows: Commence at the intersection of the North right-of-way line of New York Avenue with the East right-of-way line of US Highway 17-92 (SR 15-600), run thence North 00°58'06" East along said East right-of-way line a distance of 1125.26 feet to a point being an existing rerod and cap marked "Blackwell #3282", said point being the Point of Beginning; thence continue North 00° 58' 06" East along said East right-of-way line a distance of 20.45 feet to an existing fence line; thence South 88°40'54" East along said fence line a distance of 530.61 feet to an existing 1 inch iron pipe at the East end of said fence line; thence South 00°58'19" West a distance of 13.84 feet to an existing rerod and cap marked "Blackwell #3282"; thence North 89°23'43" West a distance of 530.61 feet to the Point of Beginning

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Attachment B

Ordinance No. 428

Mazzola Annexation Map



Mazzola Property Status Report

Ownership Status

Property Owner	Mario and Ann Mazzola				
Applicants Name					
Mailing Address	2000 North Volusia Avenue				
City	Orange City	State	Florida	Zip	32763

General Description of Current Property Status :

Property Location	Located on the east side of North Volusia Avenue approximately 200 feet north of East New York Avenue.				
Property Address	2000 North Volusia Avenue				
Size of Property	Width:	Irregular	Depth:	Irregular	Acres: 19.69
Total Acres	19.69				
Population	175				
Number of Structures	1 commercial building				
Dwelling Units	108 mobile homes				
Building Square Feet	N/A				
Parcel Number	8002-00-00-0190 and 8002-00-00-0191				
Legal Description	See Attachment A Legal Description to Ordinance No. 428				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(21.91803)	(21.56994)
City Millage Rate	N/A	(5.19530)
Assessed Land Value	1,699,000	1,699,000
Assessed Building Value	197,951	197,951
Exemption	0	0
Taxable Value	1,896,951	1,896,951
Stormwater	7,704	N/A
Total Ad Valorem	41,577.42	40,917.12
City Ad Valorem	N/A	9,855.23

The above revenues are based on the current assessed property value as listed in the Volusia County 2009 Tax Roll.

Subject Property Current Land Use and Zoning Description

The subject property currently maintains the following:

Land Use Designation	(Volusia County) Commercial and ULI Urban Low Intensity
Zoning	(Volusia County) B-4 Com General & R-4 Urban Single Family Resid
	The property usage is a mobile home park.

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) CG Commercial General and RL Residential Low
Zoning	(Orange City) CG-2 Commercial General and R-1 SF Residential
	The property is proposed to continue as a mobile home park.

Petition for Annexation

Into the City of Orange City, Florida

Applicant's Name: **Mario and Ann Mazzola** Phone:
Business Name: **Candlelight Mobile Home Park** Phone:
Address: **373 Caddie Drive** Fax:
City: **DeBary** State: **Florida** Zip: **32713**
Mailing Address: **Same** e-mail:
City: State: Zip:

Property Information

Property Address: **2000 North Volusia Avenue**
The subject property is located on the **east** side of **North Volusia Avenue**
approximately **200** feet **north** from its intersection with **East New York Avenue**
Parcel Number: **8002-00-00-0190** Parcel Number: **8002-00-00-0191** Acres **19.69**

The existing land use of the property is **Mobile home park**

Whereas, (I / We) **Mario and Ann Mazolla**
(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 Mazzola 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

MARIO MAZZOLA
Print Name

Mario Mazzola
Signature

ANN MAZZOLA
Print Name

Ann Mazzola
Signature

Print Name

Signature

Print Name

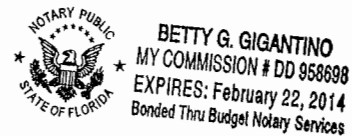
Signature

Subscribed and sworn to (or affirmed) before me on this the 16 day of AUG 2010
who is/are personally known to me or has/ have produced
as identification.

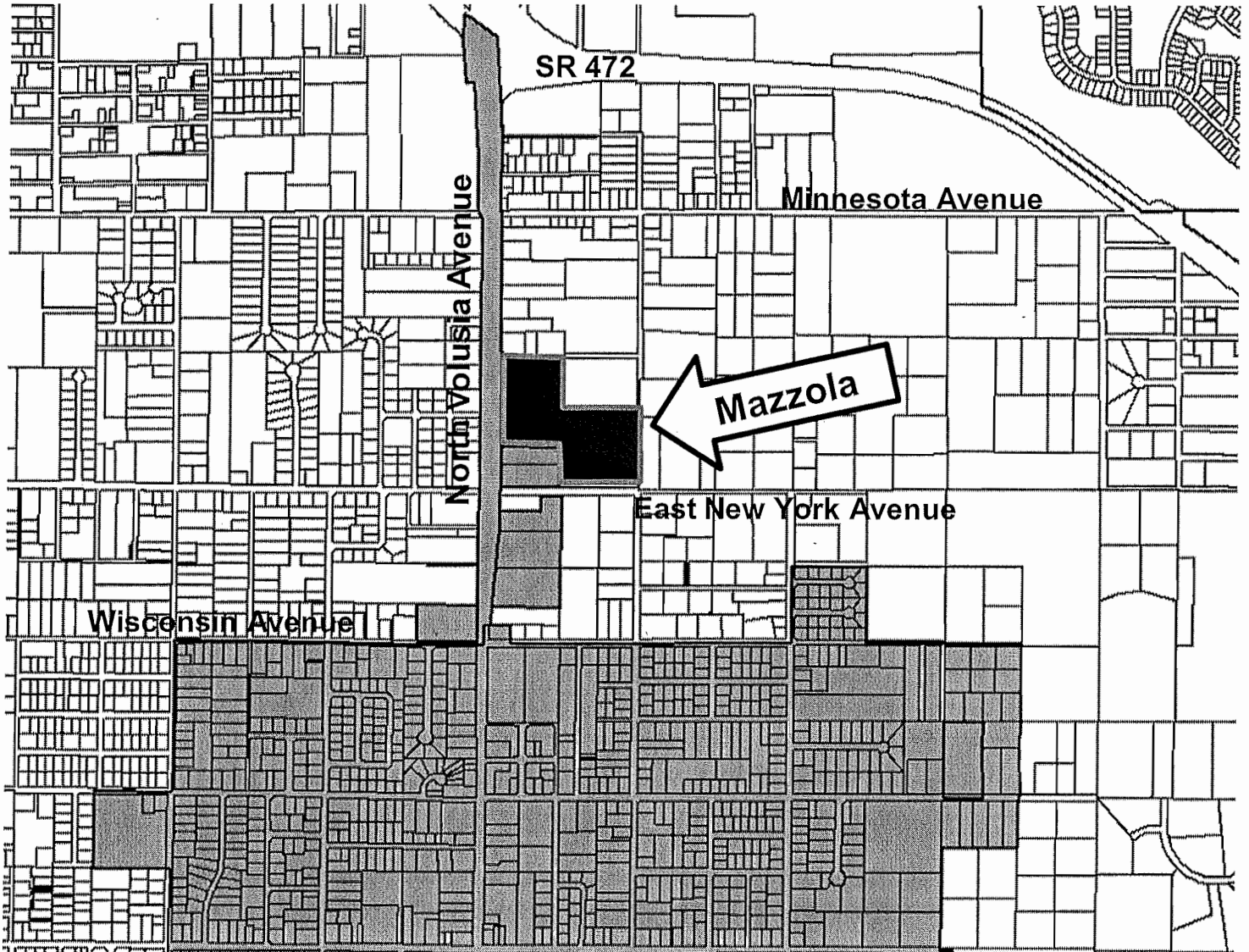
Betty G. Gigantino
Signature, Notary Public

Notary Stamp

The City of Orange City
Petition for Annexation



Mazzola Annexation



Attachment A

Legal Description Mazzola Annexation

Property located on North Volusia Avenue

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Street Address: **2000 North Volusia Avenue**

Parcel ID: **8002-00-00-0190 and 8002-00-00-0191**

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Parcel 2: The West 677.32 feet of the South 1/2 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except that portion in State Road 600 also known as US Highway 17-92 and less and except the South 370 feet thereof, AND

Parcel 3: The South 1/2 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except the South 370 feet of the West 622.32 feet thereof, and less and except the West 677.32 feet (except the South 370 feet) thereof and less and except the South 30 feet thereof and less and except the East 30 feet thereof, AND

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Diane M. Matousek
Volusia County, Clerk of Court

Parcel 4: The North 70 feet of the West 1/2 of the South 1/2 of the North 1/4 of the Southwest 40 acres of Government Lot 2, Section 2, Township 18 South, Range 30 East, Volusia County, Florida, less and except that portion in State Road 600 also known as US Highway 17-92, AND

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