

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.

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 13th day of December, 2011.

Gary A. Blair	<u>yes</u>	Ronald L. Saylor	<u>yes</u>
Michael G. Wright	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Tom Laputka, Mayor	<u>yes</u>		

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

Second Reading this 10th day of January, 2012.

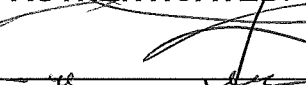
Gary A. Blair	<u>yes</u>	Ronald L. Saylor	<u>yes</u>
Michael G. Wright	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Tom Laputka, Mayor	<u>yes</u>		

PASSED and ADOPTED this 10th day of January, 2012.

ATTEST:


Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:


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

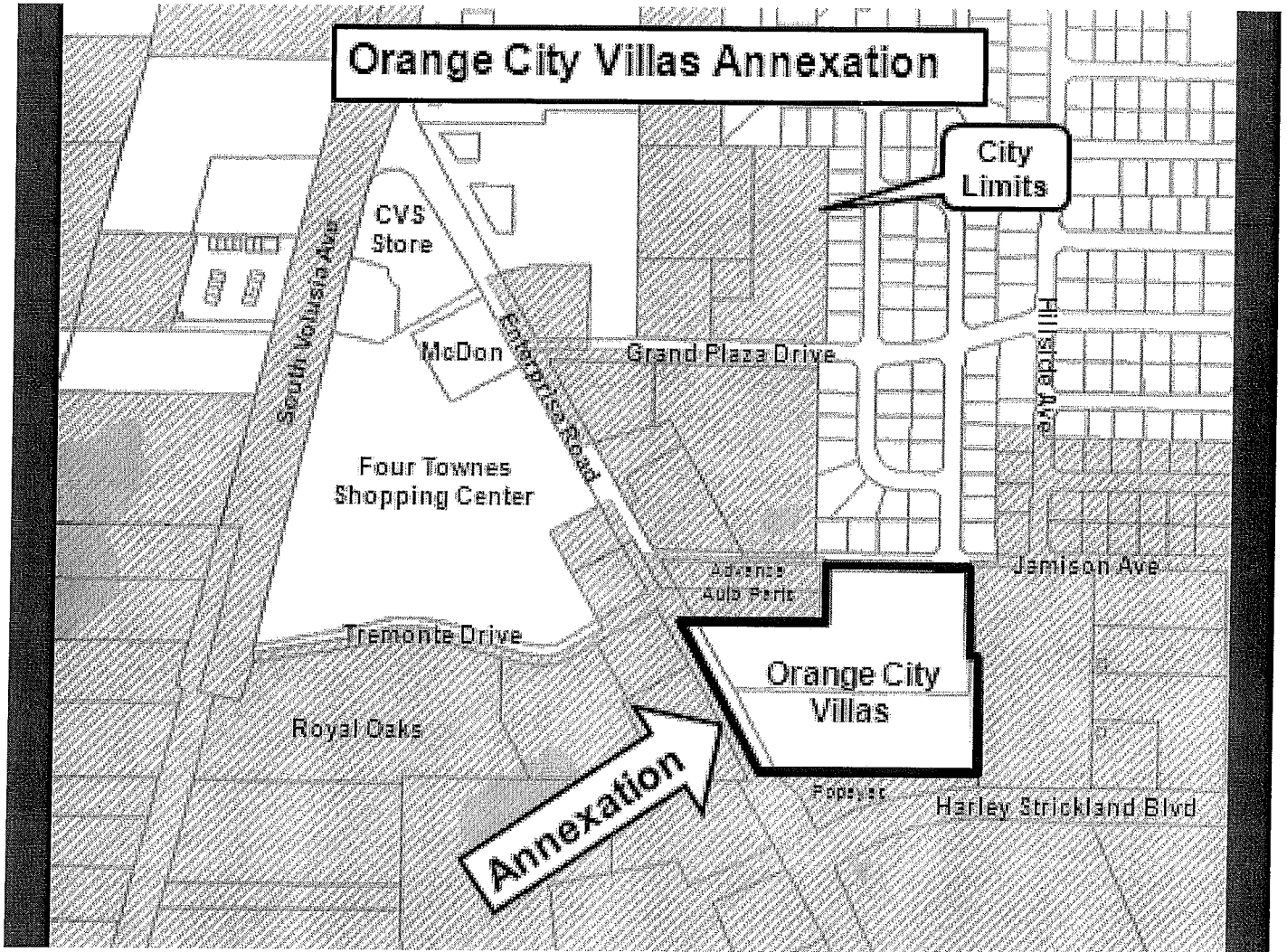
Easement rights, as contained in that certain Grant of Easements, recorded in Official Record Book 2338, Page 778 of the Public Records of Volusia County, Florida.

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 = 19 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

The subject property currently maintains the following:	
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

The subject property is proposed to be changed to the following:	
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**
c/o American Apartment Mgmt Co. Inc.

Phone:

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., LLC.
IT'S SOLE PARTNER

BY: Russell W. Fleming, President

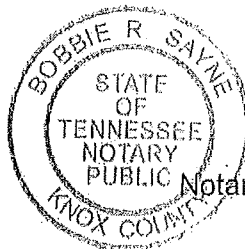
Signature

Print Name

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