

**RESOLUTION NO. 576-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, PURSUANT TO SECTIONS 4.04 AND 4.05 OF THE CITY CHARTER CERTIFYING THE FORM OF BALLOT FOR THE REFERENDUM ELECTION TO BE HELD ON JANUARY 19, 2010, REPEALING ALL RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, a referendum election to annex the Breezewood Village Condominium property, lying in the unincorporated area of Volusia County and contiguous to the corporate boundary of Orange City, was called for in Ordinance No. 408; and

**WHEREAS**, Sections 4.04 and 4.05 of the Charter of the City of Orange City, require that the City Council shall certify the form of ballot to the Supervisor of Elections by resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1. Referendum Election.** The City Council of the City of Orange City, pursuant to Sections 171.0413 of the Florida Statutes, has adopted Ordinance No. 408 proposing the annexation of the Breezewood Village Condominium property into the corporate limits of the City of Orange City and is prepared to establish a referendum election on said annexation to take place on January 19, 2010.

**SECTION 2.** In accordance with the requirements of Section 4.05 of the City Charter, Resolution No. 565-09, adopted on September 23, 2009, provided official notice to the Supervisor of Elections of Volusia County of the City's intent to hold a referendum election on said annexation.

**SECTION 3.** The referendum election will be conducted by mail ballot and the Volusia County Supervisor of Elections is hereby requested to coordinate all matters of said mail ballot election with the City Clerk.

**SECTION 4.** The mail ballot will pose the following question in the following form:

Shall the Breezewood Village Condominium property described in Ordinance No. 408 be annexed into the corporate limits of the City of Orange City?

\_\_\_\_\_ FOR annexation of property described in Ordinance Number 408 of the City of Orange City

\_\_\_\_\_ AGAINST annexation of property described in Ordinance Number 408 of the City of Orange City

**SECTION 5.** That the City Clerk shall send a copy of this Resolution to the Supervisor of Elections, Volusia County, Florida, as certification of the form of the ballot for the election set forth herein.

**SECTION 6.** That all Resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 7.** This Resolution shall become effective immediately upon its adoption.

**ROLL CALL VOTE AS FOLLOWS:**

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 H. Allebach	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

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:  
W. E. Reischmann  
W. E. Reischmann, City Attorney