

ORDINANCE NO. 2023-O-19

AN ORDINANCE ANNEXING 6.87± ACRES OF CERTAIN REAL PROPERTY LOCATED SOUTH OF CLINTON CEMETERY ROAD AND EAST OF THE FEC RAILROAD (PARCEL IDENTIFICATION NUMBER 8424-00-00-0070), VOLUSIA COUNTY, INTO THE CITY OF EDGEWATER, FLORIDA; SUBJECT TO THE JURISDICTION, OBLIGATIONS, BENEFITS AND PRIVILEGES OF THE MUNICIPALITY; AMENDING THE DESCRIPTION OF THE CITY OF EDGEWATER CORPORATE LIMITS; PROVIDING FOR FILING WITH THE CLERK OF THE CIRCUIT COURT, VOLUSIA COUNTY, THE VOLUSIA COUNTY PROPERTY APPRAISER AND THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE, RECORDING AND ADOPTION.

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. Carl Carder, applicant on behalf of Robert and Susan Cloer, owners, has applied for annexation of property located south of Clinton Cemetery Road and east of the FEC Railroad within Volusia County, Florida. Subject property contains approximately 6.87± acres.
2. The owner's agent has voluntarily petitioned (applied) the City of Edgewater for annexation pursuant to Section 171.044, Florida Statutes.
3. The property is located within the Interlocal Service Boundary Agreement mutually adopted by Volusia County and the City. The conditions for annexation and the economics thereof are satisfactory.
4. The boundaries of Voting District 4 of the City of Edgewater are hereby designated to include the property described herein.
5. During the Planning and Zoning Board meeting on September 13, 2023, the Board recommended that the property be annexed into the City of Edgewater.

NOW, THEREFORE, BE IT ENACTED by the People of the City of Edgewater,
Florida:

**PART A. ANNEXATION OF CERTAIN REAL PROPERTY INTO THE CITY
OF EDGEWATER, FLORIDA.**

1. Pursuant to Section 171.044, Florida Statutes, that certain real property described in **Exhibit “A”** and depicted in the map identified as **Exhibit “B”**, which are attached hereto and incorporated by reference, is hereby annexed into and made part of the City of Edgewater, Florida, and shall be subject to the jurisdiction, obligations, benefits and privileges of the municipality.

2. The boundaries of the City of Edgewater are hereby redefined to include the property described herein and depicted in the map identified as **Exhibit “B”**.

3. Pursuant to Section 2.01 of the Charter of the City of Edgewater, Florida, that certain document entitled “Description of City of Edgewater Corporate Limits” shall be amended accordingly.

4. Within seven (7) days after adoption, copies of this ordinance shall be filed with the Volusia County Clerk of the Circuit Court, the Volusia County Property Appraiser, the Volusia County Manager, the Mapping Division of the Volusia County Growth Management Department, and the Department of State.

PART B. CONFLICTING PROVISIONS.

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this

ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance

PART D. RECORDING.

Upon approval and execution, this document shall be delivered to the Clerk of Court for recording into the public records of Volusia County, Florida.

PART E. EFFECTIVE DATE.

This ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2023.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2023

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

**EXHIBIT “A”
LEGAL DESCRIPTION**

The West 960 feet of the North 247.7 feet of the Northwest 1/4 of the Southeast 1/4 and the East 249.2 feet of the North 247.7 feet of the Northeast 1/4 of the Southwest 1/4, Section 24, Township 18 South, Range 34 East, Volusia County, Florida.

This legal description includes any/all adjoining right-of-way relating to the subject property.

EXHIBIT "B"



~~Strike through~~ passages are deleted.
Underlined passages are added.
2023-O-19