

ORDINANCE NO. 2024-O-20

AN ORDINANCE ANNEXING 3.7± ACRES OF CERTAIN REAL PROPERTY LOCATED AT INDIA PALM DRIVE AND 35TH STREET (PARCEL IDENTIFICATION NUMBER 8411-00-00-0011), 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. Mark Karet, applicant, on behalf of Leon Alcantara, owner, has applied for annexation of property located at 35th Street and Indian Palm Drive within Volusia County, Florida. Subject property contains approximately 3.7± acres.
2. The owner 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 May 8, 2024, 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 _____, 2024.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2024

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

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOT 1, SECTION 11, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA LYING WEST OF FLORIDA EAST COAST RAILWAY RIGHT OF WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE, SOUTH 68°33'30" WEST ALONG THE NORTH LINE OF THE JANE MURRAY GRANT, SECTION 48, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 955.40 FEET TO THE INTERSECTION OF SAID LINE AND THE EASTERLY RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY; THENCE, SOUTH 68°33'30" WEST ALONG SAID NORTH LINE A DISTANCE OF 100.03 FEET TO THE INTERSECTION OF SAID LINE AND THE WESTERLY RIGHT OF WAY OF SAID FLORIDA EAST COAST RAILWAY AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE, SOUTH 68°33'30" WEST ALONG SAID NORTH LINE, A DISTANCE OF 239.77 FEET TO THE INTERSECTION OF SAID LINE AND THE SOUTH LINE OF GOVERNMENT LOT 1; THENCE, SOUTH 88°57'20" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 115.88 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE, NORTH 00°33'40" WEST ALONG THE WEST LINE OF GOVERNMENT LOT 1, A DISTANCE OF 550.65 FEET TO THE SOUTHERLY CORNER OF SAID LOT 8259; THENCE, NORTH 21°12'05" WEST, A DISTANCE OF 284.63 FEET TO THE NORTHWEST CORNER OF SAID LOT 8263; THENCE, NORTH 68°46'07" EAST ALONG THE NORTH LINE OF LOT 8263, A DISTANCE OF 107.23 FEET TO THE NORTHEAST CORNER THEREOF, SAID CORNER LYING ON THE WEST LINE OF GOVERNMENT LOT 1; THENCE, NORTH 00°33'40" WEST ALONG SAID WEST LINE, A DISTANCE OF 65.15 FEET TO THE INTERSECTION OF SAID LINE AND THE WESTERLY RIGHT OF WAY OF FLORIDA EAST COAST RAILWAY; THENCE, SOUTH 22°44'40" EAST ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 900.21 FEET TO THE POINT OF BEGINNING AND CLOSE.

LESS AND EXCEPT LOTS 8259, 8260, 8261, 8262, AND 8263, BLOCK 241, FLORIDA SHORES UNIT NO. 9, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXHIBIT "B"

