

**ORDINANCE NO. 2023-O-28**

**AN ORDINANCE ANNEXING 1.13± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1310 - 1366 ELIZABETH STREET (PARCEL IDENTIFICATION NUMBER 7430-04-02-0320; 7430-04-02-0310, 7430-04-02-0300; 7430-04-02-0290; AND 7430-04-02-0280), 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. Melonnie Kelly, owner, has applied for annexation of property located at 1310-1366 Elizabeth Street within Volusia County, Florida. Subject property contains approximately 1.13± 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 1 of the City of Edgewater are hereby designated to include the property described herein.
5. During the Planning and Zoning Board meeting on October 11, 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 \_\_\_\_\_, 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**

LOTS 28 THROUGH 32 INCLUSIVE, BLOCK 2A, SPANISH MISSION HEIGHTS, UNIT NUMBER 2, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23 PAGE 119, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 34, BLOCK 2A, SPANISH MISSION HEIGHTS, UNIT NUMBER 2, ALSO BEING THE EASTERLY LINE OF THE AMBROSE HULL GRANT; THENCE RUN N23°30'00"W ALONG THE WESTERLY LINE OF SAID LOT 34 AND LOT 33, BLOCK 2A AND THE AMBROSE HULL GRANT A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF LOT 32, BLOCK 2A AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WESTERLY LINE OF SAID LOT 32 THROUGH LOT 28, BLOCK 2A AND THE AMBROSE HULL GRANT A DISTANCE OF 250.00 FEET TO THE NORTH LINE LOT 28, BLOCK 2A; THENCE ALONG SAID NORTH LINE OF LOT 28, BLOCK 2A, N66°30'59"E, A DISTANCE OF 199.77 FEET TO THE EAST LINE OF SAID LOT 28, BLOCK 2A; THENCE ALONG SAID EAST LINE OF LOT 28 AND LOTS 29 THROUGH 32, BLOCK 2A, S23°29'01"E, A DISTANCE OF 250.00 FEET TO THE SOUTH LINE OF SAID LOT 32, BLOCK 2A; THENCE ALONG THE SAID SOUTH LINE OF LOT 32, BLOCK 2A, S66°30'59"W, A DISTANCE OF 199.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 50,000 SQUARE FEET, OR 1.148 ACRES MORE OR LESS.

EXHIBIT "B"



~~Strike through~~ passages are deleted.  
Underlined passages are added.  
2023-O-28