

ORDINANCE NO. 2024-O-47

AN ORDINANCE ANNEXING 0.683± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT NORTH OF JONES FISH CAMP ROAD (PARCEL IDENTIFICATION NUMBERS 8538-01-00-0220 AND 8538-01-00-0221), 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 Watts, applicant on behalf of Indian River Shoreline, LLC, owner, has applied for annexation of property generally located north of Jones Fish Camp Road, Parcel ID's 8538-01-00-0220 and 8538-01-00-0221 within Volusia County, Florida. Subject property contains approximately 0.683 ± 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 September 11, 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

THE FOLLOWING REAL DESCRIBED REAL PROPERTY ALL LYING AND BEING IN THE COUNTY OF VOLUSIA AND THE STATE OF FLORIDA.

THE NORTH 319 FEET OF THE SOUTH 330 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E.McHARDY GRANT, SECTION 50 AND 51, TOWNSHIP 18 SOUTH, RANGE 34 EAST, AND SECTION 37 AND 38, TOWNSHIP 18 SOUTH, RANGE 35 EAST, RECORDED IN MAP BOOK 3, PAGE 153, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA LYING EAST OF AND CONTIGUOUS WITH THAT CERTAIN ANNEXED PROPERTY DESCRIBED OFFICIAL RECORDS BOOK 5610, PAGE 1591, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 35, RIVER FRONT ESTATES UNIT 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE RIVER COLONY PLAT, AS RECORDED IN MAP BOOK 55, PAGE 39, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE ALONG THE WEST LINE OF SAID LOT 35 AND THE WEST LINE OF SAID RIVER COLONY N22°58'23"W, 320.04 FEET TO THE NORTH LINE OF SAID RIVER COLONY AND THE NORTH LINE OF SAID ANNEXED PROPERTY; THENCE ALONG SAID NORTH LINE N69°10'20"E, 633.63 FEET TO THE NORTHEAST CORNER OF SAID ANNEXATION PARCEL AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE N69°10'20"E, 33.35 FEET; THENCE S22°19'33"E, 314.19 FEET TO THE NORTH LINE OF THE SOUTH 11 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E. McHARDY GRANT, AS RECORDED IN MAP BOOK 3, PAGE 152, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE S69°37'39"W, 128.68 FEET TO THE EAST LINE OF AFORESAID ANNEXATION PARCEL; THENCE ALONG SAID EAST LINE THE FOLLOWING SEVEN COURSES N20°29'57"W, 12.28 FEET; THENCE N16°19'47"W, 50.88 FEET; THENCE N56°55'01"W, 35.84 FEET; THENCE N02°29'32"E, 88.75 FEET; THENCE N34°56'59"E, 52.93 FEET; THENCE N04°28'05"E, 62.38 FEET; THENCE N11°57'37"E, 50.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 29497.003 SQ. FT, OR 0.677 ACRES MORE OR LESS.

TOGETHER WITH

THE FOLLOWING DESCRIBED REAL PROPERTY ALL LYING AND BEING IN THE COUNTY OF VOLUSIA AND THE STATE OF FLORIDA.

THE SOUTH 11 FEET OF THE SOUTH 330 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E.McHARDY GRANT, SECTION 50 AND 51, TOWNSHIP 18 SOUTH, RANGE 34 EAST, AND SECTION 37 AND 38, TOWNSHIP 18 SOUTH, RANGE 35 EAST,

RECORDED IN MAP BOOK 3, PAGE 152, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA LYING EAST OF AND CONTIGUOUS WITH THAT CERTAIN ANNEXED PROPERTY DESCRIBED OFFICIAL RECORDS BOOK 5610, PAGE 1591, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 35, RIVER FRONT ESTATES UNIT 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE RIVER COLONY PLAT, AS RECORDED IN MAP BOOK 55, PAGE 39, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE ALONG THE WEST LINE OF SAID LOT 35 AND THE WEST LINE OF SAID RIVER COLONY N22°58'23"W, 320.04 FEET TO THE NORTH LINE OF SAID RIVER COLONY AND THE NORTH LINE OF SAID ANNEXED PROPERTY; THENCE ALONG SAID NORTH LINE AND THE EASTERLY EXTENSION THEREOF N69°10'20"E, 666.98 FEET; THENCE S22°19'33"E, 314.19 FEET TO THE NORTH LINE OF THE SOUTH 11 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E. McHARDY GRANT, AS RECORDED IN MAP BOOK 3, PAGE 152, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S22°19'33"E, 11.01 FEET TO THE SOUTH LINE OF SAID LOT 22; THENCE S69°37'39"W, 129.16 FEET TO THE EAST LINE OF AFORESAID ANNEXED PROPERTY DESCRIBED OFFICIAL RECORDS BOOK 5610, PAGE 1591, SAID PUBLIC RECORDS; THENCE ALONG SAID EAST LINE N20°22'21"W, 11.00 FEET; THENCE N69°37'39"E, 128.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 280 SQ. FT, OR 0.006 ACRES MORE OR LESS.

EXHIBIT "B"

