

BCC Mtg. Date: January 24, 2017



CITY OF ORLANDO

December 6, 2016

Orange County Comptroller
P.O. Box 38
Orlando, FL 32802

Re: Ordinance No. 2016-85

Dear Comptroller Haynie:

Pursuant to section 171.044, Florida Statutes, the City Council of the City of Orlando, Florida adopted City Ordinance(s) 2016-85 adopted on December 6, 2016 annexing certain land into the corporate limits of the City of Orlando.

Until the Florida Statute is amended, it currently still requires the City to also send it to the Orange County Chief Administrative Officer and the Clerk of the Courts which we have also done.

The enclosed copies are intended for the files of the Board of County Commissioners and **not** for recording in the Official Records.

Sincerely yours,

A handwritten signature in black ink that reads "Elizabeth Davidson".

Elizabeth Davidson
Assistant City Clerk

Enclosure(s)

Received by: Clerk of BCC
cc: Deputy County Attorney Joel Prinsell
Community Environmental & Development Services Director Jon Weiss
Zoning Division Manager Carol ~~Knock~~ **Knock**
Planning Division Manager Alberto Vargas
Planner II Steven Thorpe

DEC 19 2016 CAS

Office of City Clerk

400 S. Orange Avenue, 2nd. Floor – Orlando, Florida 32801-4990 – Phone: 407-246-2251 -
Fax 407-246-3613 – <http://www.cityoforlando.net/cityclerk>

BCC Mtg. Date: January 24, 2017

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, ANNEXING TO THE
3 CORPORATE LIMITS OF THE CITY CERTAIN LAND
4 GENERALLY LOCATED EAST OF FORMOSA AVENUE,
5 SOUTH OF INDIANA AVENUE, AND NORTH OF
6 HARMON AVENUE; ADDRESSED AS 1230 FORMOSA
7 AVENUE, AND COMPRISED OF 0.652 ACRES, MORE
8 OR LESS; AMENDING THE CITY'S ADOPTED GROWTH
9 MANAGEMENT PLAN TO DESIGNATE THE PROPERTY
10 AS RESIDENTIAL MEDIUM INTENSITY ON THE CITY'S
11 OFFICIAL FUTURE LAND USE MAPS; PROVIDING FOR
12 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND
13 USE MAPS; PROVIDING FINDINGS, AMENDMENT OF
14 THE CITY'S BOUNDARY DESCRIPTION, AND FOR
15 AMENDMENT OF THE CITY'S OFFICIAL MAPS;
16 PROVIDING FOR SEVERABILITY, CORRECTION OF
17 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

18
19 **WHEREAS**, on April 18, 2016, the City Council of the City of Orlando, Florida
20 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
21 "petition") bearing the signatures of all owners of property in an area of land generally
22 located east of Formosa Avenue, south of Indiana Avenue, and north of Harmon
23 Avenue, such land comprised of approximately 0.652 acres of land and being precisely
24 described by the legal description of the area by metes and bounds attached to this
25 ordinance as **Exhibit A** (hereinafter the "property"); and

26
27 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
28 section 171.044, Florida Statutes; and

29
30 **WHEREAS**, at its regularly scheduled meeting of May 17, 2016, the Municipal
31 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered
32 Annexation case number ANX2016-00002, requesting to annex the property into the
33 jurisdictional boundaries of the city; and

34
35 **WHEREAS**, at its regularly scheduled meeting of June 21, 2016, the MPB
36 considered Growth Management Plan (hereinafter the "GMP") case number GMP2016-
37 00005, requesting an amendment to the city's GMP to designate the property as
38 "Residential Medium Intensity", on the city's official future land use map; (hereinafter
39 referred to as the "applications"); and

40
41 **WHEREAS**, based upon the evidence presented to the MPB, including the
42 information and analysis contained in the "Staff Report to the Municipal Planning Board"
43 for application case numbers ANX2016-00002, and GMP2016-00005, (entitled "Item #1-
44 Formosa North Annexation and "Item #5-Formosa North Planned Development,"
45 respectively), the MPB recommended that the Orlando City Council approve said
46 applications and adopt an ordinance in accordance therewith; and

47
48 **WHEREAS**, the MPB found that application GMP2016-00005 is consistent with:

49
50 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
51 (the "State Comprehensive Plan"); and

2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (the "Strategic Regional Policy Plan"); and

3. The *City of Orlando Growth Management Plan*, adopted as the city's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (the "GMP"); and

WHEREAS, sections 3 and 4 of this ordinance are adopted pursuant to the process for adoption of a small-scale amendment as provided by section 163.3187, Florida Statutes; and

WHEREAS, the Orlando City Council hereby finds that:

1. As of the date of the petition, the property was located in the unincorporated area of Orange County; and

2. As of the date of the petition, the property is contiguous to the city within the meaning of subsection 171.031(11), Florida Statutes; and

3. As of the date of the petition, the property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and

4. The petition bears the signatures of all owners of property in the area to be annexed; and

5. Annexation of the property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and

6. The property is located wholly within the boundaries of a single county; and

7. The petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and

8. The petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and

9. The petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of subsection 171.031(8), Florida Statutes; and

10. The petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; and

WHEREAS, the Orlando City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the

applicable provisions of Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and the city's GMP and LDC; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. ANNEXATION. Pursuant to the authority granted by section 171.044, Florida Statutes, and having determined that the owner or owners of the property have petitioned the Orlando City Council for annexation into the corporate limits of the city, and having determined that the petition bears the signatures of all owners of property in the area proposed to be annexed, and having made the findings set forth in this ordinance, the property is hereby annexed into the corporate limits of the City of Orlando, Florida, and the boundary lines of the city are hereby redefined to include the property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area is clearly shown on the map attached to this ordinance as **Exhibit B**.

SECTION 2. CITY BOUNDARIES. Pursuant to section 171.091, Florida Statutes, the charter boundary article of the city is hereby revised in accordance with this ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a revision of the City Charter with the Florida Department of State. The city planning official, or designee, is hereby directed to amend the city's official maps in accordance with this ordinance.

SECTION 3. FLUM DESIGNATION. Pursuant to section 163.3187, Florida Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land Use Map designation for the property is hereby established as "Residential Medium Intensity," as depicted in **Exhibit C** to this ordinance.

SECTION 4. AMENDMENT OF FLUM. The city planning official, or designee, is hereby directed to amend the city's adopted future land use maps in accordance with this ordinance.

SECTION 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three and four which take effect on the 31st day after the state land planning agency notifies the city that the plan amendment package is complete. If timely challenged, this ordinance does not become effective until the state land planning agency or the Administration Commission enters a final order determining this amendment to be "in compliance" as defined at section 163.3184(1)(b), Florida Statutes.

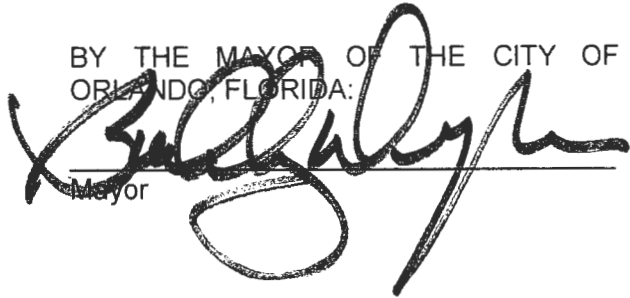
DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 20 day of November, 2016.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 14 day of November, 2016.

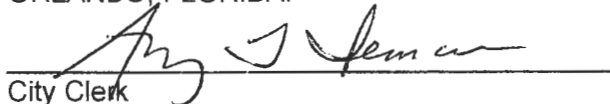
DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 21 day of November, 2016.

DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this 5th day of December, 2016.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

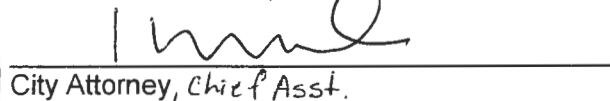

Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:


City Clerk

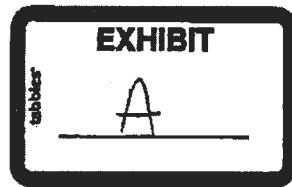
Amy T. Iennaco
Print Name

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF ORLANDO, FLORIDA:


City Attorney, Chief Asst.

Kyle Shephard
Print Name

[Remainder of page intentionally left blank.]



VERIFIED LEGAL DESCRIPTION FORM

MUNICIPAL PLANNING BOARD

The following legal description has been prepared by Andrew Perry, P.S.M. of
M.A.P. Land Surveying, Inc. and submitted to the City Planning Bureau for verification.

Andrew Perry
Signature

3-25-16
Date

"This description has been reviewed by the Bureau of Engineering and is acceptable based on a comparison with:

RECORD PLAT, M.A.P.
LAND SURVEYING SURVEY,
RAW TRVERSE & CLOSE.

By [Signature] Date 5-19-2016

Application Request (Office Use Only):

File No. ANX2016-00002
GMP2016-00005
ZON 2016-00005

Legal Description Including Acreage (To be Typed By Applicant):

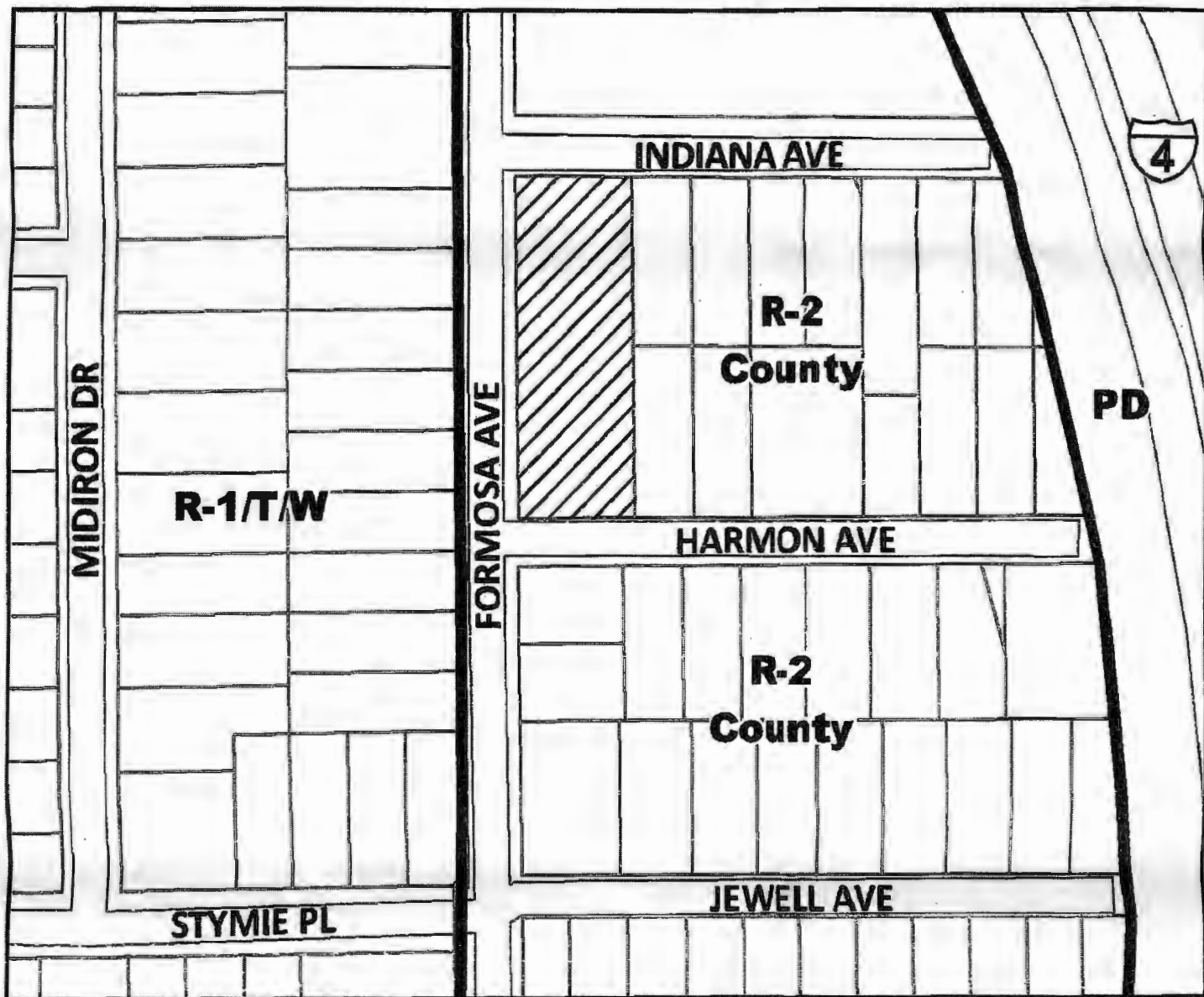
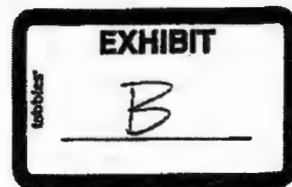
Lots 1, 2, 23 and 24, Block P, Lawndale, as recorded in Plat Book H, Page 118, Public Records of Orange County, Florida;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the Northwest corner of Lot 1, Block P, Lawndale, as recorded in Plat Book H, Page 118, Public Records of Orange County, Florida; thence run N 90°00'00" E. along the South line of Indiana Avenue a distance of 100.00 feet to the Northeast corner of Lot 2, Block P of said Lawndale; thence S 0°16'48" E along the east line of Lots 2 and 23, Block P of said Lawndale a distance of 284.14 feet to the Southeast corner of said Lot 23; thence S 89°58'32" W along the North Right of Way line of Harmon Avenue a distance of 100.00 feet to the Southwest corner of Lot 24, Block P of said Lawndale; thence N 01°16'48" W along the East Right of Way line of Formosa Avenue a distance of 284.19 feet to the Point of Beginning.

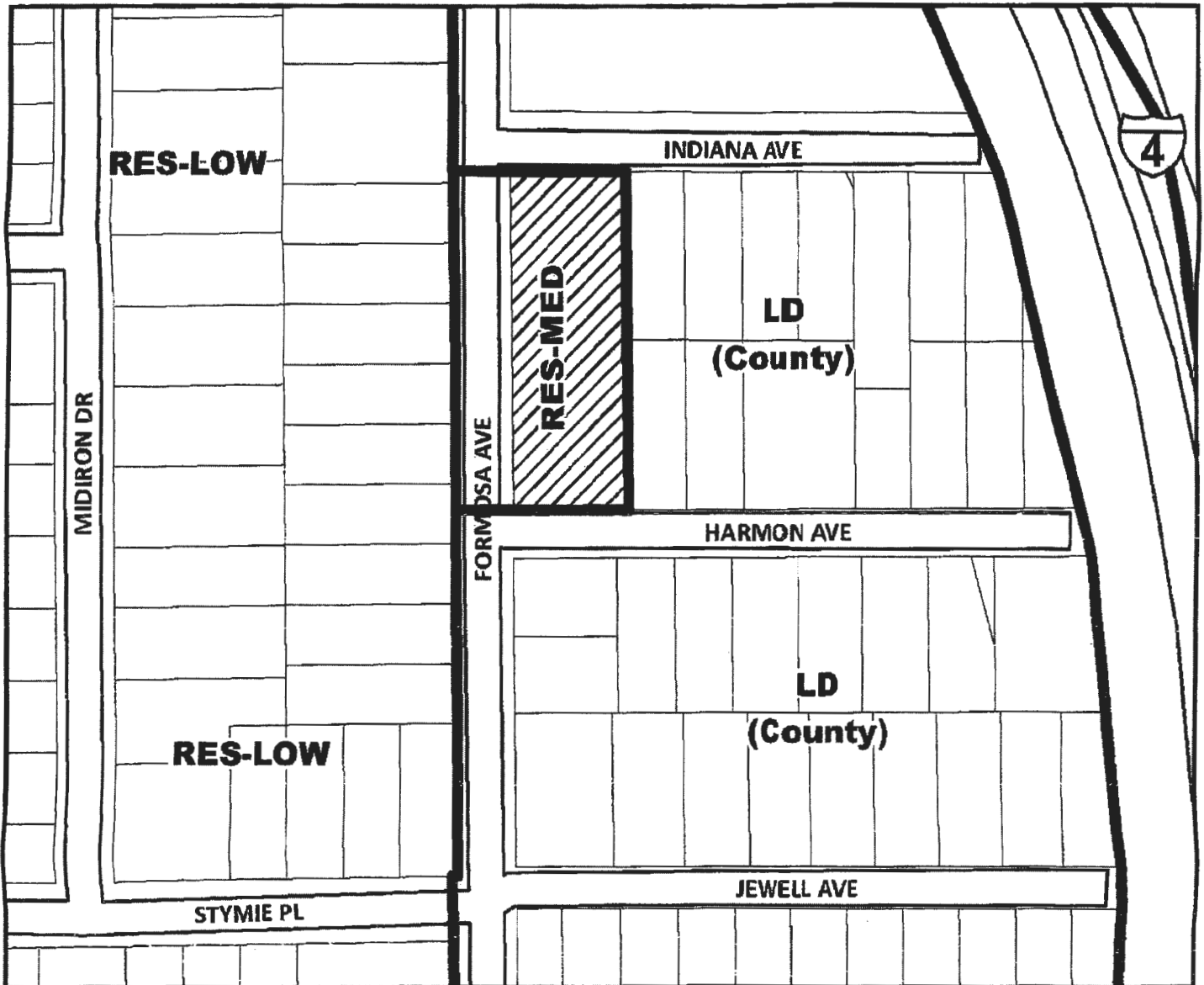
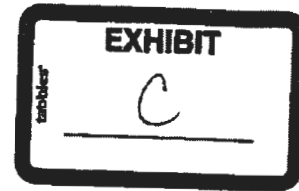
Having an area of 28,410 square feet, or 0.652 acres more or less.

1 OF 1



ANX2016-00002





Future Land Use - Proposed GMP2016-00005



FISCAL IMPACT STATEMENT

Indicate the **Total Fiscal Impact** of the action requested, including personnel, operating, and capital costs. Indicate costs for the current fiscal year and continuing costs in future years. Include all related costs necessary to place the asset in service.

1. DESCRIPTION: Annexation of property which is generally located east of Formosa Avenue, south of Indiana Avenue and north of Harmon Avenue, addressed at 1230 Formosa Avenue.

COSTS:

2. Does the acceptance of this action require the hiring of additional or new personnel or the use of overtime?
☐ Yes ☒ No (if Yes, include all personnel costs below).

3. Is the action funded in the current year budget and/or through reallocation of existing Department resources:
☒ Yes ☐ No If No, how will this item be funded? _____ PLEASE NOTE: If the action is funded by a grant received by the City please include the fiscal year of the funding award, grantor name, granting agency or office name (if any), grant name and when the grant agreement was approved by City Council.

Did this item require BRC action? ☐ Yes ☒ No If Yes, BRC Date: _____ BRC Item #: _____

4. This item will be charged to Fund/Dept/Program/Project: Not Applicable.

5.	(a) Current Year Estimate	(b) Next Year Annualized	(c) Annual Continuing Costs Thereafter
Personnel	\$0	\$	\$
Operating			
Capital			
Total	<u>\$0</u>	<u></u>	<u></u>

6. If costs do not continue indefinitely, explain nature and expiration date of costs: _____

7. OTHER COSTS

(a). Are there any future costs, one-time payments, lump sum payments, or other costs payable for this item at a later date that are **not** reflected above: ☐ Yes ☒ No

(b) If yes, by Fiscal Year, identify the dollar amount and year payment is due: \$ _____ Payment due date _____

(c) What is the nature of these costs: _____

REVENUE:

8. What is the estimated increase in "valuation" added to the tax rolls? \$ 173,850. Tax roll increase is:
☒ real property, ☐ tangible personal property, ☐ other (identify _____).

9. What is source of the revenue and the estimated annual recurring revenue? Source: Ad Valorem Tax \$ 1,156

10. If non-recurring, what is the estimated Fiscal Year and amount of non-recurring revenue that will be realized?
Source N/A Fiscal year _____ \$ _____ non-recurring revenue

11. What is the Payback period? N/A years

12. **JUSTIFICATION:** Document justification for request. Include anticipated economies or efficiencies to be realized by the City, including reductions in personnel or actual cost (cash flow) reductions to be realized in your budget. The annexation will add to the City's ad valorem tax base.

13. **APPROVED:** Dean Grandin, Division Manager (Submitting Director or authorized Division Mgr **Only**)

FIS 3/14/08

Orlando Sentinel

Published Daily
ORANGE County, Florida

STATE OF FLORIDA

COUNTY OF ORANGE

Before the undersigned authority personally appeared Cheryl Alli, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11150-Public Hearing Notice, **Ordinance No. 2016-85, Monday, December 5th, 2016 at 2:00pm** was published in said newspaper in the issues of Nov 20, 2016; Nov 27, 2016.

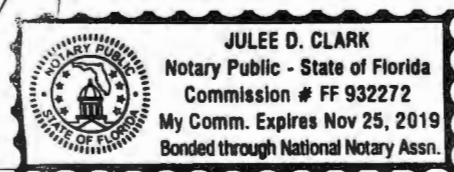
Affiant further says that the said ORLANDO SENTINEL is a newspaper published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Cheryl Alli
Signature of Affiant

CHERYL ALLI
Printed Name of Affiant

Sworn to and subscribed before me on this 28 day of November, 2016,
by above Affiant, who is personally known to me (X) or who has produced
identification ().

Julee D. Clark
Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

Notice of Proposed Enactment

On December 5, 2016 the Orlando City Council will consider proposed ordinance #2016-85, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED EAST OF FORMOSA AVENUE, SOUTH OF INDIANA AVENUE, AND NORTH OF HARMON AVENUE; ADDRESSED AS 1230 FORMOSA AVENUE, AND COMPRISED OF 0.652 ACRES, MORE OR LESS; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS RESIDENTIAL MEDIUM INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE MAPS; PROVIDING FINDINGS, AMENDMENT OF THE CITY'S BOUNDARY DESCRIPTION, AND FOR AMENDMENT OF THE CITY'S OFFICIAL MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.



A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The proposed ordinance and a complete legal description by metes and bounds of the area proposed for annexation may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Avenue, Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting.
OS4584509 11/20, 11/27/2016

CITY OF ORLANDO COUNCIL AGENDA ITEM

Handwritten: H. Robinson #2

Items Types:

Hearings/Ordinances/2nd Read

District: 3

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

December 5, 2016

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2016-85 annexes and assigns the Residential Medium Intensity future land use designation to property located east of Formosa Avenue, south of Indiana Avenue and north of Harmon Avenue, addressed at 1230 Formosa Avenue, comprised of approximately 0.652 acres. (Formosa North). (Economic Development)

Summary:

The attached ordinance annexes and assigns the Residential Medium Intensity future land use designation to property located east of Formosa Avenue, south of Indiana Avenue and north of Harmon Avenue, addressed at 1230 Formosa Avenue, comprised of approximately 0.652 acres. The property is currently developed with one single family house.

The Municipal Planning Board recommended approval of the annexation (ANX2016-00002) on May 17, 2016 and the future land use amendment to Residential Medium Intensity (GMP2016-00005) and zoning of PD/T/W for the future development of twelve townhomes (ZON2016-00005) on June 21, 2016. The zoning ordinance is contained in a separate ordinance on this agenda. The first reading of the ordinance was approved on November 14, 2016.

Fiscal & Efficiency Data:

See attached.

Recommended Action:

Adopt the attached ordinance number 2016-85 and authorize the Mayor and City Clerk or Mayor Pro Tempore and City Clerk to execute on behalf of the City upon its final review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

Contact: Michelle Beamon Robinson, michelle.robinson@cityoforlando.net, 407.246.3145

Approved By:

Department

Date and Time

City Council Meeting: 12-5-16
Item: 12-2 Documentary: 1612051202

ATTACHMENTS: