

BCC Mtg. Date: February 11, 2020

ORDINANCE 20-01

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.16 ± ACRES LOCATED AT E. OAKLAND AVENUE; NORTH OF STATE ROAD 438 E. OAKLAND AVENUE, WEST OF TILDENVILLE SCHOOL ROAD, AND EAST OF OAKLAND PARK BLVD; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 1.16 ± acres located at E. Oakland Avenue; north of State Road 438 E. Oakland Avenue, west of Tildenville School Road, and east of Oakland Park Blvd and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section II of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section II of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION II: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown in ATTACHMENT "B" shall be annexed into the City of Winter Garden, Florida.

SECTION III: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION IV: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION V: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION VI: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION VII: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: DECEMBER 12, 2019.

SECOND READING AND PUBLIC HEARING: JANUARY 9, 2020.

ADOPTED this 9TH day of JANUARY, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:



JOHN REES, Mayor/Commissioner

ATTEST:



ANGELA GRIMAGE, City Clerk



ATTACHMENT "A"

LEGAL DESCRIPTION

Parcel ID # 2-21-22-27-0000-00-125

A parcel of land being a Portion of the Northeast1/4 of the Southeast1/4 of Section21, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Commence at the Southeast Corner of the Northeast1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, thence run 324.00 feet West and 30.00 feet North to the intersection of the North Right-of-way line of State Road 438 and the West Right-of-way line of State Road 545; thence along the North Right-of-way line of State Road 438, South 89'56'47" West, a distance of 536.78 feet to a point, said point being the POINT OF BEGINNING of the herein described property; thence continue along said North Right-of-way line, South89'56'47" West, a distance of 205.00 feet to a point; thence departing said North Right-of-way line, along a line parallel to the West Right-of-way line of State Road 545, North 00'12'25" West, a distance of 231.00 feet to a point; thence along a line parallel with the North Right-of-way line of State Road 438, North 89'56'47" East, a distance of 205.00 feet to a point; thence along a line parallel to the West Right-of-way line of State Road 545, South 00'12'25" East, a distance of 231.00 feet to the above described POINT OF BEGINNING.

AND

That part of Section 21, Township 22 South, Range 27 East, Orange County, Florida, lying East of Lots 80 and 81, OAKLAND PARK UNIT 1B—1A, according to the Plat thereof, as recorded in Plat Book 76, Pages 8 through 10, of the Public Records of Orange County, Florida, South of the Westerly prolongation of the North line of Parcel 2 as described in Official Records Book 8753, Page 2851, of the Public Records of Orange County, Florida, West of said Parcel 2 as described in Official Records Book 8753, Page 2851, and North of the North right-of-way line of County Road 438 (Oakland Avenue) (formerly known as State Road No. 438), as recorded in Road Plat Book 2, Pages 1 through 8, of the Public Records of Orange County, Florida.

ATTACHMENT "B"

LOCATION MAP

E. Oakland Avenue

