

BCC Mtg. Date: November 12, 2019

## ORDINANCE 19-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.45 ± ACRES LOCATED AT 902 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD, NORTH OF TOUR POINTE BLVD AND SOUTH OF EGRET HAMMOCK DRIVE INTO THE CITY OF WINTER GARDEN FLORIDA; 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 0.45 ± acres located at 902 Avalon Road on the west side of Avalon Rd, north of Tour Pointe Blvd. and south of Egret Hammock Drive 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 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

**WHEREAS**, the City has determined that the property described in Section 2 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 1: *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 2: *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 3: *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 4:** *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 5:** *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 6:** *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 7:** *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: SEPTEMBER 12, 2019.

SECOND READING AND PUBLIC HEARING: OCTOBER 10, 2019.

ADOPTED this 10<sup>TH</sup> day of OCTOBER, 2019, 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#: 33-22-27-0000-00-023

Lot 6, Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the North West Corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 33, Township 22 South, Range 27 East, and thence run East along the Northerly line of said Section 603.91 feet to a corner Mark in the North West side of the State Road 545 Right-of-Way for a Point of Beginning: thence run West 210', along the North Line of that part of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 33, Township 22 South, Range 27 East, lying North and West of State Road 545, to a Point: thence run South and parallel to the Westerly Line of that part of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 33, Township 22 South, Range 27 East, lying North and West of State Road 545, 215 feet to a point in the North Westerly Right-of-Way Line of State Road 545; thence run North Easterly and along said Right-of-Way of State Road 545, Approximately 300 feet, more or less to the Point of Beginning, in Orange County, Florida

Containing 0.45 acres, more or less.

ATTACHMENT "B"

LOCATION MAP

902 Avalon Road

