



April 9, 2019

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

Re: City of Orlando Ordinance No. 2019-23

Dear Comptroller Diamond:

Pursuant to section 171.044, Florida Statutes, the City Council of the City of Orlando, Florida adopted Ordinance No. 2019-23 annexing certain land into the corporate limits of the City of Orlando. The City is required to furnish a copy of the ordinance to the Orange County Chief Administrative Officer and the Orange County Clerk of Court, which has been done.

The enclosed copy is intended for the files of the Orange County Board of County Commissioners and not for recording in the Official Records.

Sincerely yours,

A handwritten signature in cursive script that reads "Denise Aldridge".

Denise Aldridge
City Clerk

Enclosure

Received by: Clerk of BCC April 15, 2019 CAS

C:
Community, Environmental & Development Services Director Jon Weiss
Planning Division Manager Alberto Vargas
Planning Staff Steven Thorp

OFFICE OF CITY CLERK

ORDINANCE NO. 2019-23

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED SOUTH OF CURRY FORD ROAD, WEST OF CONWAY GARDENS ROAD, NORTH OF EDLAND DRIVE AND EAST OF CROCKER AVENUE, AND COMPRISED OF 0.34 ACRES OF LAND, MORE OR LESS, AND AMENDING THE CITY'S BOUNDARY DESCRIPTION; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS RESIDENTIAL-LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS THE ONE FAMILY RESIDENTIAL DISTRICT (R-1) ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, on January 28, 2019, the City Council of the City of Orlando, Florida (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the "petition") bearing the signatures of all owners of property in an area of land generally located south of Curry Ford Road, west of Conway Gardens Road, north of Edland Drive and east of Crocker Avenue, comprised of approximately 0.34 acres of land and being precisely described by the legal description of the area by metes and bounds attached to this ordinance as **Exhibit A** (hereinafter the "property"); and

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

WHEREAS, at its regularly scheduled meeting of February 19, 2019, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the following applications relating to the property:

1. Annexation case number ANX2018-10019 requesting to annex the property into the jurisdictional boundaries of the city; and
2. Growth Management Plan (hereinafter the "GMP") case number GMP2018-10037 requesting an amendment to the city's GMP to designate the property as Residential-Low Intensity on the City's official future land use map; and
3. Zoning case number ZON2018-10033 requesting to designate the property as the "One Family Residential District"(R-1) on the City's official zoning maps (together, hereinafter referred to as the "applications"); and

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WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case numbers ANX2018-10019, GMP2018-10037, and ZON2018-10033 (entitled "Item #1 – 1720 Conway Gardens RD Annexation"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance or ordinances in accordance therewith; and

WHEREAS, the MPB found that application GMP2018-10037 is consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (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, the MPB found that application ZON2018-10033 is consistent with:

1. The GMP; and
2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code of the City of Orlando, Florida (the "LDC"); and

WHEREAS, sections 3 and 4 of this ordinance are adopted pursuant to the "process for adoption of small-scale comprehensive plan 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

ORDINANCE NO. 2019-23

- 89 4. The petition bears the signatures of all owners of property in the area to be
90 annexed; and
91
92 5. Annexation of the property will not result in the creation of enclaves within the
93 meaning of subsection 171.031(13), Florida Statutes; and
94
95 6. The property is located wholly within the boundaries of a single county; and
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97 7. The petition proposes an annexation that is consistent with the purpose of
98 ensuring sound urban development and accommodation to growth; and
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100 8. The petition, this ordinance, and the procedures leading to the adoption of
101 this ordinance are consistent with the uniform legislative standards provided
102 by the Florida Municipal Annexation and Contraction Act for the adjustment of
103 municipal boundaries; and
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105 9. The petition proposes an annexation that is consistent with the purpose of
106 ensuring the efficient provision of urban services to areas that become urban
107 in character within the meaning of section 171.021, Florida Statutes; and
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109 10. The petition proposes an annexation that is consistent with the purpose of
110 ensuring that areas are not annexed unless municipal services can be
111 provided to those areas; and
112

113 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
114 best interest of the public health, safety, and welfare, and is consistent with the
115 applicable provisions of Florida Statutes, the State Comprehensive Plan, the Strategic
116 Regional Policy Plan, and the City's GMP and LDC.
117

118 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
119 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
120

121 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section
122 171.044, Florida Statutes, and having determined that the owner or owners of the
123 property have petitioned the Orlando City Council for annexation into the corporate limits
124 of the city, and having determined that the petition bears the signatures of all owners of
125 property in the area proposed to be annexed, and having made the findings set forth in
126 this ordinance, the property is hereby annexed into the corporate limits of the City of
127 Orlando, Florida, and the boundary lines of the City are hereby redefined to include the
128 property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
129 is clearly shown on the map attached to this ordinance as **Exhibit B**.
130

ORDINANCE NO. 2019-23

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

137
138 **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida
139 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land
140 Use Map designation for the Property is hereby established as "Residential-Low
141 Intensity" as depicted in **Exhibit C** to this ordinance.

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

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147 **SECTION 5. ZONING DESIGNATION.** Pursuant to the LDC, the zoning
148 designation for the property is hereby established as the "One Family Residential"
149 district (denoted on the city's official zoning maps as the "R-1" district), as depicted in
150 **Exhibit D** to this ordinance.

151
152 **SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning
153 official, or designee, is hereby directed to amend the city's official zoning maps in
154 accordance with this ordinance.

155
156 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its application
157 to any person or circumstance is held invalid, the invalidity does not affect other
158 provisions or applications of this ordinance which can be given effect without the invalid
159 provision or application, and to this end the provisions of this ordinance are severable.

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161 **SECTION 8. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
162 errors found in this ordinance by filing a corrected copy of this ordinance with the city
163 clerk.

164
165 **SECTION 9. DISCLAIMER.** As provided by subsection 166.033(5), Florida
166 Statutes, issuance of a development permit by a municipality does not in any way create
167 any right on the part of an applicant to obtain a permit from a state or federal agency and
168 does not create any liability on the part of the municipality for issuance of the permit if
169 the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a
170 state or federal agency or undertakes actions that result in a violation of state or federal
171 law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a
172 condition of this ordinance that all other applicable state or federal permits be obtained
173 before commencement of the development.

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SECTION 10. 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, four, five and six, which take effect on the 31st day after adoption unless this ordinance is lawfully challenged pursuant to subsection 163.3187(5), Florida Statutes, in which case sections three, four, five and six shall not be effective until the state land planning agency or the Administration Commission issues a final order declaring this ordinance "in compliance" as defined at sections 163.3184(1)(b) and 163.3187(5)(d), Florida Statutes.

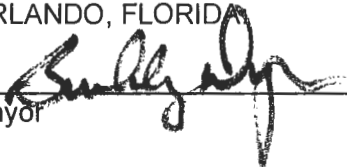
DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 24 day of MARCH, 2019.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 25 day of MARCH, 2019.

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 31 day of MARCH, 2019.

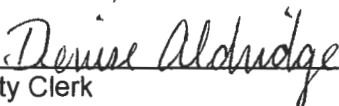
DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this 8 day of APRIL, 2019.

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

DENISE ALDRIDGE

Print Name

ORDINANCE NO. 2019-23

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

223 *Melissa Clarke*
224
225 Assistant City Attorney

226 Melissa Clarke
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228 Print Name

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EXHIBIT
A

VERIFIED LEGAL DESCRIPTION FORM

MUNICIPAL PLANNING BOARD

The following legal description has been prepared by Jordan Theis

and submitted to the City Planning Bureau for verification.

Jordan Theis
Signature

12/19/18
Date

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

THE RECORD PLAT,
RAN TRAVERSE
± CLOSURE.

By R. Platt Date 2-14-2019

Application Request (Office Use Only):
1720 CONWAY GARDENS RD

File No. ANX2018-10019
GMP2018-10037
ZON2018-10033

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

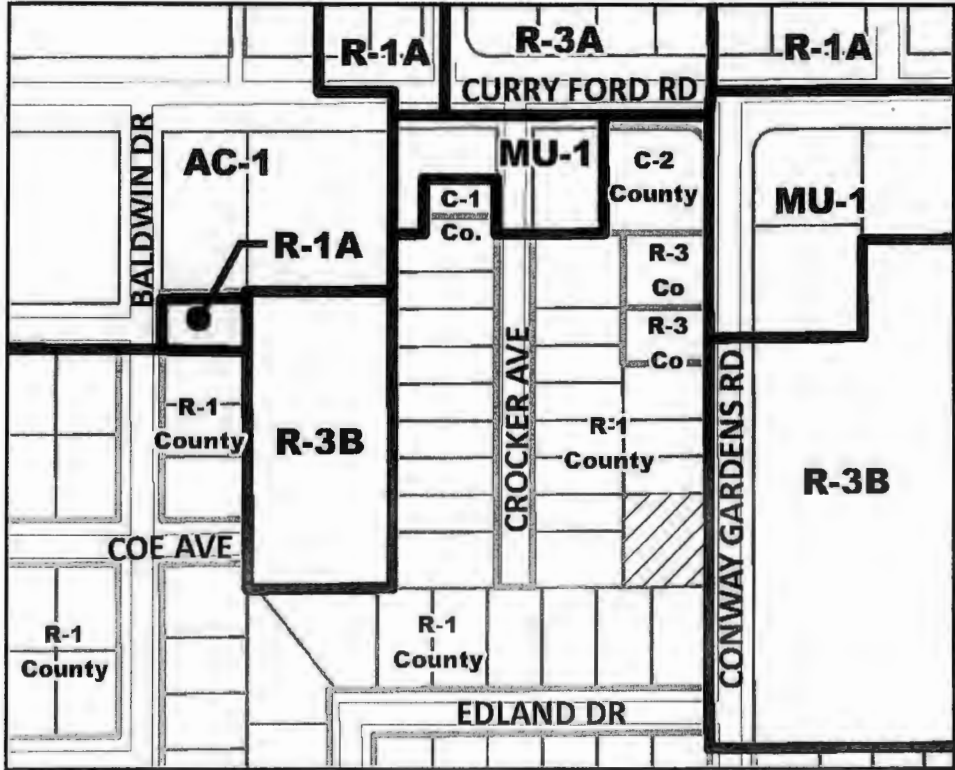
A portion of Section 5, Township 23 South, Range 30 East, Orange County, Florida, Being More Particularly Described As Follows:

COMMENCING AT THE NORTHWEST CORNER OF AFOREMENTIONED SECTION 5, RUN NORTH 89°40'42" EAST, ALONG THE NORTH LINE OF SECTION 5, A DISTANCE OF 1324.62 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, SAID POINT ALSO BEING THE CENTERLINE OF CONWAY GARDENS ROAD (A 60.0 FOOT RIGHT OF WAY); THENCE RUN SOUTH 00°11'04" EAST, ALONG THE AFOREMENTIONED CENTERLINE OF CONWAY GARDENS ROAD, A DISTANCE OF 664.00 FEET TO THE SOUTHEAST CORNER OF THE PLAT OF CROCKER HEIGHTS, AS RECORDED IN PLAT BOOK N, PAGE 58 OF THE PUBLIC RECORDS OF ORANGE COUNTY; THENCE RUN SOUTH 89°36'56" WEST, ALONG THE SOUTH LINE OF AFOREMENTIONED CROCKER HEIGHTS, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CONWAY GARDENS ROAD (AS LAID OUT AND IN USE); THENCE CONTINUE SOUTH 89°36'56" WEST, A DISTANCE OF 118.70 FEET; THENCE RUN NORTH 00°11'04" WEST, A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF LOT 16, BLOCK A OF THE AFOREMENTIONED PLAT OF CROCKER HEIGHTS; THENCE RUN NORTH 89°36'56" EAST, ALONG THE NORTH LINE OF SAID LOT 16, BLOCK A, A DISTANCE 118.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF CONWAY GARDENS RD; THENCE RUN SOUTH 00°11'04" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

Lot measures 14,837.50 square feet equal to 0.34 acres

NOTE: THE STARTING POINT OF BEGINNING OCCURS AT THE REFERENCE STATING "A DISTANCE OF 30 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CONWAY GARDENS ROAD".

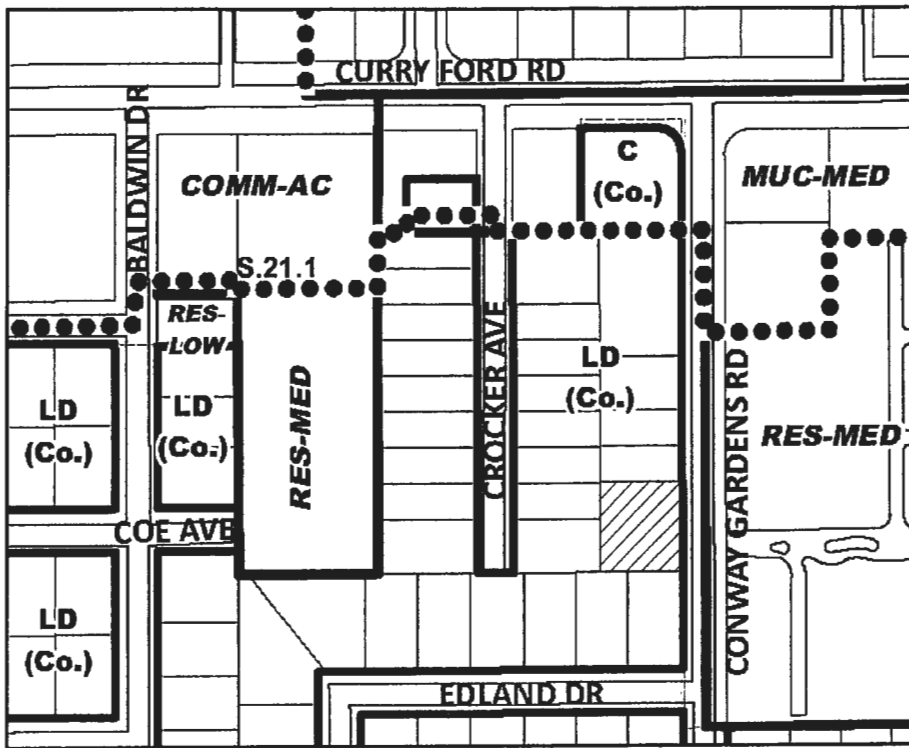
EXHIBIT
B



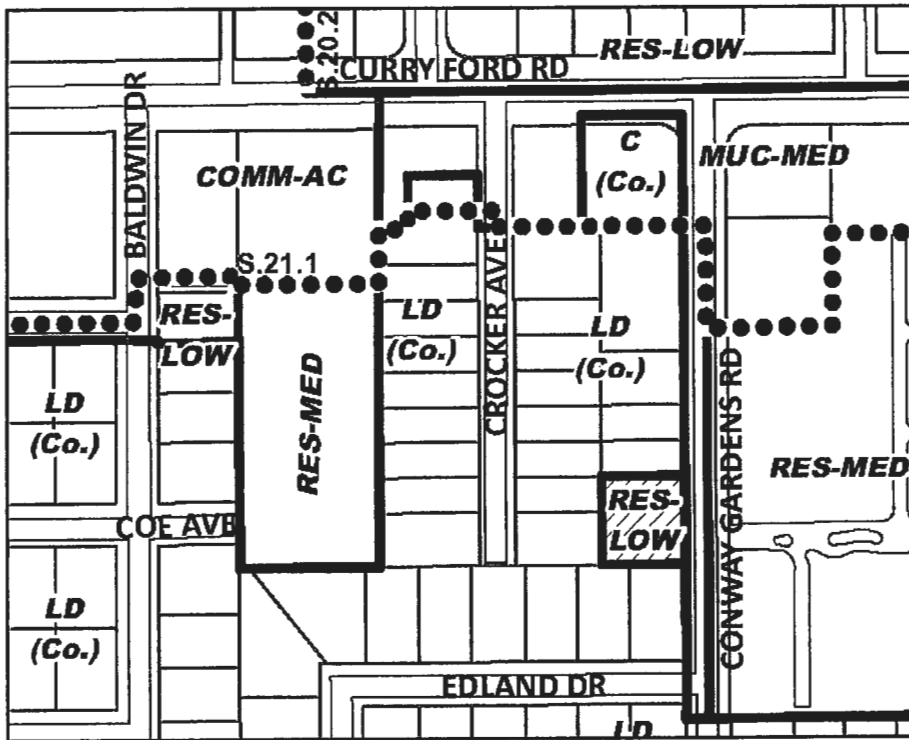
ANX2018-10019



**EXHIBIT
C**



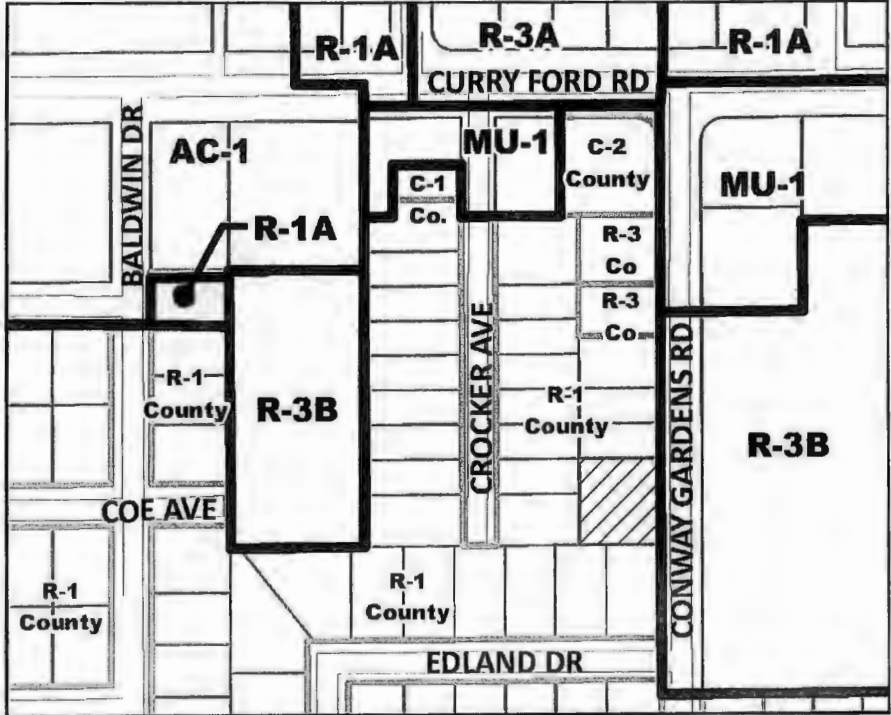
Future Land Use - Existing GMP2018-10037



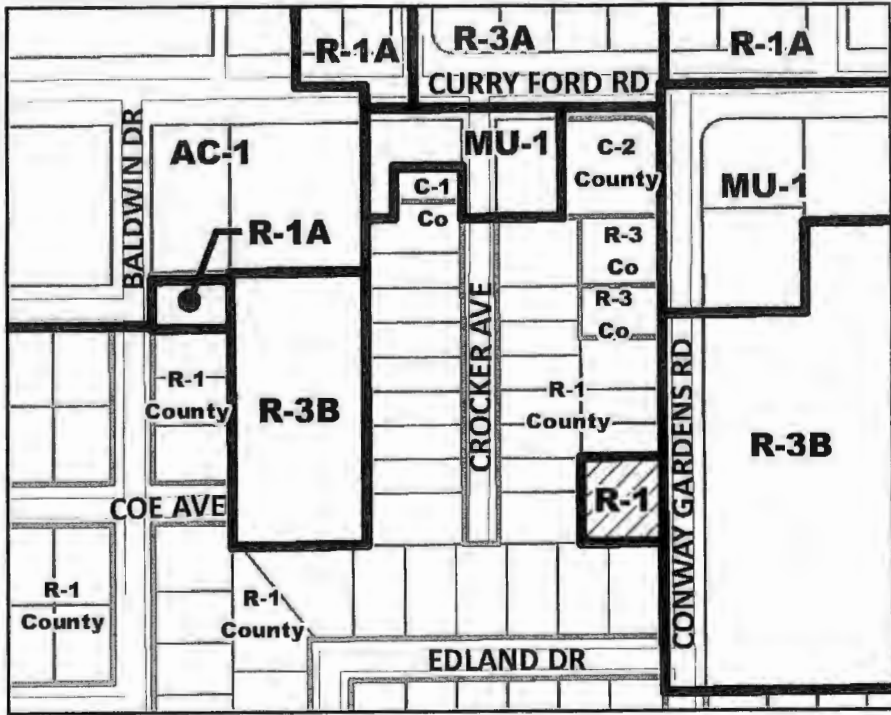
Future Land Use - Proposed GMP2018-10037



EXHIBIT
D



Zoning - Existing ZON2018-10033



Zoning - Proposed ZON2018-10033



Sold To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

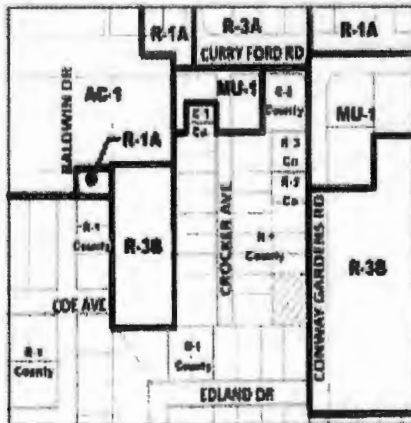
Bill To:

City of Orlando - CU00118969
Attn: Ridge K. Holdridge
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

6174516

Notice of Proposed Enactment

On April 8 2019, the Orlando City Council will consider proposed ordinance #2019-23, 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 SOUTH OF CURRY FORD ROAD, WEST OF CONWAY GARDENS ROAD, NORTH OF EDLAND DRIVE AND EAST OF CROCKER AVENUE, AND COMPRISED OF 0.34 ACRES OF LAND, MORE OR LESS, AND AMENDING THE CITY'S BOUNDARY DESCRIPTION; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS RESIDENTIAL-LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS THE ONE FAMILY RESIDENTIAL DISTRICT (R-1) ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.



ANX2018-10019

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

Published Daily
ORANGE County, Florida

State Of Florida
County Of Orange

Before the undersigned authority personally appeared Jean Gailie, 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 April 8, 2019 at 2:00 p.m., Ordinance Number 2019-23 was published in said newspaper in the issues of Mar 24, 2019; Mar 31, 2019.

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.


Signature of Affiant

Jean Gailie

Name of Affiant

Sworn to and subscribed before me on this 4 day of April, 2019,
by above Affiant, who is personally known to me (X) or who has produced identification ().


Signature of Notary Public

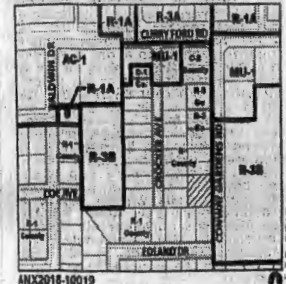


Name of Notary, Typed, Printed, or Stamped

6174516

Notice of Proposed Enactment

On April 8 2019, the Orlando City Council will consider proposed ordinance #2019-23, 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 SOUTH OF CURRY FORD ROAD, WEST OF CONWAY GARDENS ROAD, NORTH OF EDLAND DRIVE AND EAST OF CROCKER AVENUE, AND COMPRISED OF 0.34 ACRES OF LAND, MORE OR LESS, AND AMENDING THE CITY'S BOUNDARY DESCRIPTION; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS RESIDENTIAL-LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS THE ONE FAMILY RESIDENTIAL ZONING MAPS, PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, 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.

OS6174516

3/24, 3/31/2019