

BCC Mtg. Date: March 26, 2019

ORDINANCE NO. 2019-003
(Annexation Ordinance for 3872 Old Winter Garden Road PUD)

TAX PARCEL ID: 28-22-28-0000-00-019

CASE NO. AX-07-18-75: 3872 Old Winter Garden Road PUD

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF OCOEE, FLORIDA, CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY +/-1.25 ACRES LOCATED ON THE SOUTH SIDE OF OLD WINTER GARDEN ROAD AND 260 FEET EAST OF HEMPEL AVENUE, PURSUANT TO THE APPLICATION SUBMITTED BY THE PROPERTY OWNER; FINDING SAID ANNEXATION TO BE CONSISTENT WITH THE OCOEE COMPREHENSIVE PLAN, THE OCOEE CITY CODE, AND THE JOINT PLANNING AREA AGREEMENT; PROVIDING FOR AND AUTHORIZING THE UPDATING OF OFFICIAL CITY MAPS; PROVIDING DIRECTION TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; REPEALING INCONSISTENT ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 171.044, Florida Statutes, the owner of certain real property located in unincorporated Orange County, Florida, as hereinafter described, has petitioned the City Commission of the City of Ocoee, Florida (the "Ocoee City Commission") to annex approximately +/- 1.25 acres of property, as more particularly described in Exhibit "A" attached hereto, into the corporate limits of the City of Ocoee, Florida; and

WHEREAS, the Ocoee City Commission has determined that said petition bears the signatures of all owners of the real property proposed to be annexed into the corporate limits of the City of Ocoee, Florida; and

WHEREAS, notice of the proposed annexation has been published pursuant to the requirements of Section 171.044(2), Florida Statutes, and Section 5-9(E) of Article V of Chapter 180 of the Land Development Code of the City of Ocoee (the "Code"); and

WHEREAS, on February 11, 1994, Orange County and the City of Ocoee entered into a Joint Planning Area Agreement, which has from time to time been amended by Orange County and the City of Ocoee (the "JPA Agreement"), and which affects the annexation of the real property hereinafter described; and

WHEREAS, on January 8, 2019, the Planning and Zoning Commission of the City of Ocoee, Florida, reviewed the proposed annexation and made no recommendation as to the Ocoee City Commission for said annexation; and

WHEREAS, the Ocoee City Commission has the authority, pursuant to Section 171.044, Florida Statutes, to annex said real property into its corporate limits upon petition of the owners of said real property; and

WHEREAS, the Ocoee City Commission is desirous of annexing and redefining the boundary lines of the City of Ocoee, Florida, to include said real property.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

Section 1. AUTHORITY. The Ocoee City Commission has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapters 166 and 171, Florida Statutes, and Section C-7 of Article 1 of the Charter of the City of Ocoee, Florida.

Section 2. PETITION. The Ocoee City Commission hereby finds that the petition to annex certain lands, as hereinafter described, into the corporate limits of the City of Ocoee, Florida, bears the signatures of all owners of the real property proposed to be annexed into the corporate limits of the City of Ocoee, Florida.

Section 3. ANNEXATION. The following described real property located in unincorporated Orange County, Florida, is hereby annexed into the corporate limits of the City of Ocoee, Florida:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Section 4. MAP. A map of said land herein described which clearly shows the annexed area is attached hereto as **EXHIBIT "B"** and by this reference is made a part hereof.

Section 5. CONSISTENCY FINDING. The Ocoee City Commission hereby finds that the annexation of said land herein described is consistent with the Ocoee Comprehensive Plan and the JPA Agreement, as amended, and meets all of the requirements for annexation set forth in the Ocoee Comprehensive Plan, the JPA Agreement, and the Ocoee City Code.

Section 6. CORPORATE LIMITS. The corporate territorial limits of the City of Ocoee, Florida, are hereby redefined to include said land herein described and annexed.

Section 7. OFFICIAL MAPS. The City Clerk is hereby authorized to update and supplement official City maps of the City of Ocoee, Florida, to include said land herein described and annexed.

Section 8. LIABILITY. The land herein described and future inhabitants of said land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances, and regulations of the City of Ocoee, Florida, and be entitled to the same privileges and benefits as other areas of the City of Ocoee, Florida.

Section 9. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

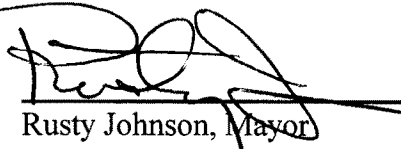
Section 10. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. EFFECTIVE DATE. This Ordinance shall become effective upon passage and adoption. Thereafter, the City Clerk is hereby directed to file a certified copy of this Ordinance with the Clerk of the Circuit Court for Orange County, Florida, the Chief Administrative Officer of Orange County, Florida, and with the Florida Department of State within seven (7) days from the effective date.

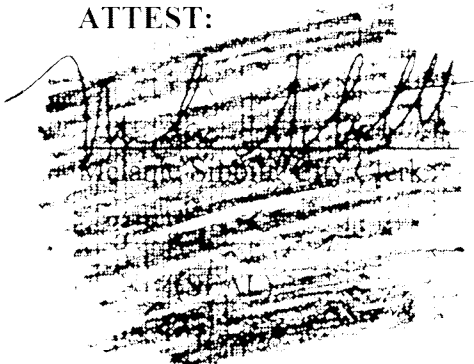
PASSED AND ADOPTED this 19th day of February, 2019.

APPROVED:

CITY OF OCOEE, FLORIDA


Rusty Johnson, Mayor

ATTEST:



ADVERTISED 2/7/19 AND 2/14/19
READ FIRST TIME February 5, 2019
READ SECOND TIME AND ADOPTED
February 19, 2019, UNDER
AGENDA ITEM NO. 9

FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA
APPROVED AS TO FORM AND
LEGALITY THIS 19th DAY OF
FEB, 2019

SHUFFIELD, LOWMAN & WILSON, P.A.

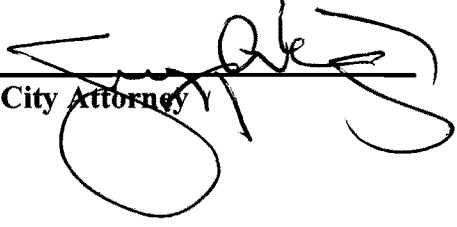
By: 
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE SW ¼ OF THE NW ¼ LYING BETWEEN HEMPLE & ARLINGTON AVENUES AND BETWEEN OLD WINTER GARDEN ROAD AND MARKET STREET F/K/A BLOCK 15 OF PARK RIDGE, PLAT BOOK O, PAGE 100, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS AND EXCEPT:

A PORTION OF BLOCK 15, PARK RIDGE AS RECORDED IN PLAT BOOK O, PAGE 100, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA LYING IN THE SW ¼ OF THE NW ¼ OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CRNER OF SAD BLOCK 15, SAID POINT BEGING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF MARKET STREET AND THE EAST RIGHT-OF-WAY LINE OF HEMPLE AVENUE ACCORDING TO SAID PARK RIDGE; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG THE WEST LINE OF SAID BLOCK 15 AND SAID EAST RIGHT0OF-WAY LINE; NORTH 00°17'19" WEST FOR A DISTANCE OF 133.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 69.00 FEET WITH A CHORD BEARING OF NORTH 52°10'11" EAST AND A DISTANCE OF 126.35 FEET TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID BLOCK 15 AND THE SOUTH RIGHT OF WAY LINE OF SAID OLD WINTER GARDEN ROAD ACCORDING TO SAID PARK RIDGE; THENCE RUN SOUTH 75°22'18" EAST ALONG SAID NORTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 151.41 FEET; THENCE DEPARTING SAID NORTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE, RUN SOUTH 14°37'42" WEST A DISTANCE OF 216.00 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK 15 AND THE NORTH RIGHT-OF-WAY LINE OF AFORESAID MARKET STREET; THENCE RUN NORTH 75°22'18" WEST ALONG SAID SOUTH LINE AND SAID NORTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 183.66 FWWT TO THE POINT OFBEFINNING.

ALSO LESS AND EXCEPT:

LANDS CONVEYED FOR RIGHT OF WAY AS DESCRIBED IN DEED BOOK 430, PAGE 48, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

EXHIBIT "B"

Map of Annexed Area

