



NOTICE OF ANNEXATION

April 12, 2023

RE: Annexation Ordinance 2023-01

To Whom It May Concern:

As required and/or requested, enclosed is a copy of the above referenced annexation ordinance for your records.

Should you need additional information, please contact me at (407) 656-1117, ext. 2110 or ehui@oaklandfl.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elise Hui".

Elise Hui
Town Clerk

Town of Oakland
P.O. Box 98
230 N. Tubb Street
Oakland, FL 34760
407.656.1117 ext. 2110
ehui@oaklandfl.gov

Annexation Ordinance
Received by: Clerk of BCC April 13, 2023 gh
c: Planning, Environmental, & Development Services Director Jon Weiss
Planning Division Manager Alberto Vargas
Planner II Nicolas Thalmueller

Ordinance

No. ORDINANCE 2023-01

AN ORDINANCE OF THE TOWN OF OAKLAND, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY OWNED BY JAMES WHEBELL AND MARY LEE BEARING PROPERTY TAX PARCEL IDENTIFICATION NUMBER (ADDRESS) 19-22-27-3776-00-030 (1016 HULL ISLAND DRIVE), AND LOCATED CONTIGUOUS TO THE TOWN OF OAKLAND IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES, AND OTHER CONTROLLING LAW; REDEFINING THE BOUNDARIES OF THE TOWN OF OAKLAND TO INCLUDE SAID PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; DIRECTING THE TOWN CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ORANGE COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR LEGAL DESCRIPTION AND A MAP; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property of James Whebell and Mary Lee is hereby determined to be the fee simple title owner of the real property described below; and

WHEREAS, the property of James Whebell and Mary Lee and pursuant to Section 171.044, Florida Statutes, for voluntary annexation of said property into the municipal limits of the Town of Oakland, which property totals approximately 1.29 acres in size bearing Property Tax Identification Numbers 19-22-27-3776-00-030; and

WHEREAS, Town staff has reviewed and recommended approval of the annexation of said property to the Town Commission of the Town of Oakland and has accomplished all actions required under the Code of Ordinances of the Town of Oakland and State law; and

WHEREAS, the Town Commission, upon the recommendation of Town staff, the Town Attorney, and the Town's Planning and Zoning Board, has determined that all of the property which is proposed to be annexed into the Town of Oakland is within an unincorporated area of Orange County, is reasonably compact and contiguous to the corporate areas of the Town of Oakland, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, the Town Commission of the Town of Oakland, Florida has taken all actions in accordance with the requirements and procedures mandated by State law and the Joint Planning Area Agreement with Orange County; and

WHEREAS, the Town Commission of the Town of Oakland, Florida hereby determines that it is to the advantage of the Town of Oakland and in the best interests of the citizens of the Town of Oakland to annex the above-described property; and

WHEREAS, the provisions of Section 166.031(3), Florida Statutes, provide that a municipality may,



by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Florida Department of State; and

WHEREAS, the provisions of Section 171.091, Florida Statutes, provide as follows: *Recording*. — Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area; and

WHEREAS, the legal description and the map attached hereto collectively as Exhibit “A” shows, describes, and depicts the property which is hereby annexed into the Town of Oakland.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF OAKLAND, FLORIDA, AS FOLLOWS:

Section 1. Legislative and Administrative Findings/Annexation of Properties.

- (a) The recitals set forth above in the “whereas clauses” are hereby adopted as legislative findings of the Town Commission of the Town of Oakland.
- (b) The property that is the subject of this Ordinance consists of the following parcel of land assigned the Tax Identification Parcel Number set forth above and being specifically described in Exhibit “A”, said property being situated in Orange County, Florida, and said property is hereby annexed into and is hereby made a part of the Town of Oakland, Florida pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, and other controlling law.

Section 2. Effect of Annexation.

Upon this Ordinance becoming effective, the property owners of the said property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the Town of Oakland, Florida as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the Town of Oakland, Florida and the provisions of said Chapter 171, Florida Statutes.

Section 3. Administrative Actions.

- (a) Within seven (7) days of the adoption of this Ordinance, the Town Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Orange County, with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.
- (b) The Town Manager, or designees within Town management staff, shall ensure that the property annexed by this Ordinance is incorporated into the Town of Oakland Comprehensive Plan, the Official Zoning Map of the Town of Oakland in an expeditious manner and the map of the Town Limits of the Town of Oakland.
- (c) The Town Manager, or designees, are hereby authorized and directed to legally describe and map the existing Town Limits of the Town of Oakland and to take any and all appropriate actions or propose actions to the Town Commission as may be authorized in accordance with controlling law.



Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise to be invalid, unlawful, or unconstitutional.

Section 6. Codification.

The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the Town Limits of the Town of Oakland by the Town Manager, or designee(s), and the Town Manager, or designee(s), is/are hereby directed to take any and all appropriate actions relative to the land use planning documents of the Town pertaining to the property annexed pursuant to this Ordinance.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED THIS 11TH DAY OF APRIL 2023

FIRST READING: MARCH 28, 2023

SECOND READING: APRIL 11, 2023

TOWN OF OAKLAND




KATHY STARK, MAYOR

ATTEST:



ELISE HUI, TOWN CLERK

APPROVED AS TO FORM:



Attorney
Stephanie Velo, Esq.
Vose Law Firm LLP
324 W. Morse Blvd.
Winter Park, FL 32789



Exhibit "A"
LEGAL DESCRIPTION AND MAP

Lots 3 and 4, of HULL ISLAND ESTATES, according to the Plat there of, as recorded in Plat Book W, at Page 114, of the Public Records of Orange County, Florida.

1016 Hull Island Drive Annexation

