

**ORDINANCE NO. 2019-012**

BCC Mtg. Date: December 3, 2019

**(Annexation Ordinance for CLRM PUD)**

**TAX PARCEL ID:** 33-21-28-0000-00-007, 33-21-28-0000-00-020 & 34-21-28-0000-00-022

**CASE NO. AX-09-18-77: CLRM 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 +/-193.22 ACRES LOCATED ON THE SOUTH SIDE OF EAST AND WEST MCCORMICK ROAD AND ON THE WEST SIDE OF NORTH APOPKA VINELAND ROAD, PURSUANT TO THE APPLICATION SUBMITTED BY THE PROPERTY OWNERS; FINDING SAID ANNEXATION TO BE CONSISTENT WITH THE OCOEE COMPREHENSIVE PLAN, AND THE OCOEE CITY CODE; 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 +/- 193.22 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 April 9, 2019, the Planning and Zoning Commission of the City of Ocoee, Florida, reviewed the proposed annexation and found it to be consistent with the Ocoee Comprehensive Plan, compliant with all applicable requirements of the Code, and in the best interest of the City of Ocoee, and recommended the Ocoee City Commission approve 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 meets all of the requirements for annexation set forth in the Ocoee Comprehensive Plan 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.

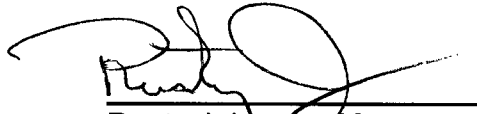
**Section 10. CONFLICTING ORDINANCES.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**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.

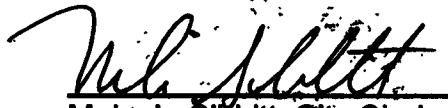
PASSED AND ADOPTED this 5<sup>th</sup> day of November, 2019.

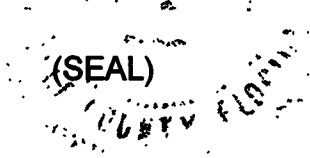
APPROVED:

CITY OF OCOEE, FLORIDA

  
\_\_\_\_\_  
Rusty Johnson, Mayor

ATTEST:

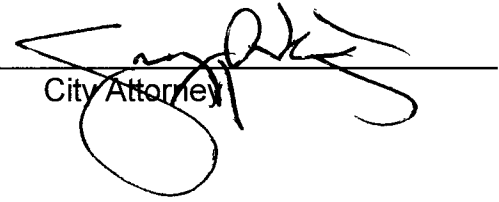
  
\_\_\_\_\_  
Melanie Sibbitt, City Clerk



ADVERTISED 4/4/19 AND 10/29/19  
READ FIRST TIME April 16, 2019  
READ SECOND TIME AND ADOPTED  
November 5, 2019 UNDER  
AGENDA ITEM NO. 17

FOR USE AND RELIANCE ONLY BY  
THE CITY OF OCOEE, FLORIDA;  
APPROVED AS TO FORM AND  
LEGALITY  
this 5<sup>th</sup> day of Nov., 2019.

SHUFFIELD, LOWMAN & WILSON, P.A.

By:   
\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**

Legal Description

PARCEL 1:

BEGIN AT THE SE CORNER OF THE NE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN NORTH 253.35 FEET, WEST 11 CHAINS (726 FEET), THENCE SOUTH 253.35 FEET, THENCE EAST 11 CHAINS (726 FEET) TO THE POINT OF BEGINNING.

PARCEL 2:

THE SW 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LESS ROAD ON NORTH.

PARCEL 3:

THE NE 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA,

(LESS THAT PART LYING SOUTH OF THE SEABOARD COAST LINE RAILROAD) AND LESS RAILROAD RIGHT-OF-WAY. LESS & EXCEPT: A PORTION OF PARCEL 3

A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SE CORNER OF THE NE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 33, RUN NORTH 89°17'29" WEST, A DISTANCE OF 725.86 FEET TO THE POINT OF

BEGINNING; THENCE CONTINUE ALONG SAID NORTH SECTION LINE NORTH 89°17'29" WEST, A DISTANCE OF 603.63 FEET TO A POINT ON THE WEST LINE OF SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 33; THENCE ALONG SAID WEST SECTION LINE, RUN SOUTH 00°11'06" WEST, A DISTANCE OF 1,400.31 FEET; THENCE

DEPARTING WEST SECTION LINE, RUN SOUTH 89°39'36" EAST, A DISTANCE OF 246.28 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE

SOUTHEASTERLY, HAVING A RADIUS OF 1,304.74 FEET, A CENTRAL ANGLE OF 17°02'08" AND A CHORD DISTANCE OF 386.51 FEET WHICH BEARS NORTH 67°17'34" EAST;

THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 387.93 FEET TO A POINT OF NON TANGENCY; THENCE NORTH 00°14'35" EAST,

A DISTANCE OF 1,245.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 812,433 SQUARE FEET OR 18.651 ACRES, MORE OR LESS.

PARCEL 4:

THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, (LESS THAT PART LYING SOUTH OF THE SEABOARD COAST LINE RAILROAD) AND LESS RAILROAD RIGHT-OF-WAY.

PARCEL 5:

BEGIN AT THE NW CORNER OF THE SE 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN EAST 534.85 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD (STATE ROAD S-435), THENCE SOUTH 5° EAST ALONG SAID RIGHT OF WAY LINE 778.85 FEET MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD, THENCE SOUTHWESTERLY ALONG SAID RAILROAD RIGHT OF WAY LINE TO THE WEST LINE OF NW 1/4 OF SE 1/4, THENCE NORTH TO THE POINT OF BEGINNING;

LESS PARCELS A, B & C DESCRIBED BELOW:

A) FROM THE NW CORNER OF THE SE 1/4 OF SEC. 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN EAST 534.85 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD, THENCE SOUTH 5° EAST ALONG SAID ROAD RIGHT OF WAY LINE 778.85 FEET MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD FOR THE POINT OF BEGINNING; RUN THENCE NORTH 5° WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD A DISTANCE OF 138 FEET, THENCE WEST 120 FEET, THENCE SOUTH 5° EAST TO SAID RAILROAD RIGHT OF WAY LINE, THENCE NORTHEASTERLY ALONG THE RAILROAD RIGHT OF WAY LINE TO THE POINT OF BEGINNING;

B) THAT PART DEEDED TO ORANGE COUNTY RECORDED IN BOOK 3921, PAGE 115;

C) THAT PART DEEDED TO ORANGE COUNTY RECORDED IN BOOK 4934, PAGE 4821.

PARCEL 6:

BEGINNING AT THE SW CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN EAST 1850 FEET

MORE OR LESS TO THE WEST SIDE OF THE ROAD CONNECTING CLARCONA WITH APOPKA; THENCE NORTHERLY ALONG THE WEST SIDE OF SAID ROAD 885 FEET MORE OR LESS,

TO THE SOUTH LINE OF LANDS NOW OR FORMERLY BELONGING TO ONE "CUMBIE" OR "CUMBER"; THENCE WEST 1000 FEET; THENCE NORTH 435 FEET, MORE OR LESS TO THE NORTH LINE OF THE SAID SE 1/4 OF THE NW 1/4 OF SAID SECTION 34, THENCE WEST 840 FEET MORE OR LESS TO THE NW CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34; THENCE SOUTH 1320 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS ROAD ON NORTH.

