

BCC Mtg. Date: January 8, 2019

ORDINANCE NO. 2018-040

(Annexation Ordinance for 815 Clarcona Ocoee Road AKA North Lakewood Avenue)

TAX PARCEL ID #s 08-22-28-0000-00-028

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of 5
Rec Fee: \$44.00
Deed Doc Tax: \$0.00
Mortgage Doc Tax: \$0.00
Intangible Tax: \$0.00
Phil Diamond, Comptroller
Orange County, FL
Ret To: CSC INC

CASE NO. AX-07-18-73: VMG Estates Ocoee Annexation

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF OCOEE, FLORIDA, CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 3.89 ACRES LOCATED ON THE EAST SIDE OF NORTH LAKEWOOD AVENUE; 103 FEET NORTH OF BURNT TREE COURT; 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 or owners of certain real property located in unincorporated Orange County, Florida, as hereinafter described, have petitioned the City Commission of the City of Ocoee, Florida (the "Ocoee City Commission") to annex approximately 3.89 acres of property as more particularly described in Exhibit "A" hereto, into the corporate limits of the City of Ocoee, Florida; and

WHEREAS, the Ocoee City Commission has determined that said application 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 Code of Ordinances of the City of Ocoee (the "Ocoee City Code"); and

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

WHEREAS, the Planning and Zoning Commission of the City of Ocoee, Florida, has reviewed the proposed annexation and found it to be consistent with the Ocoee Comprehensive Plan, to comply with all applicable requirements of the Ocoee City Code, to be consistent with the JPA Agreement, and to be in the best interest of the City of Ocoee and has recommended to the Ocoee City Commission that it approve said annexation petition; 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 owner 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 7 of Article I 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" (METES AND BOUNDS LEGAL DESCRIPTION ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF)

SECTION 4. 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 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 and directed 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. Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. 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 11. Effective Date. This Ordinance shall take effect 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 and the Chief Administrative Officer of Orange County, Florida and with the Florida Department of State within seven (7) days from the date of adoption.

PASSED AND ADOPTED this 4th day of December, 2018.

APPROVED:

CITY OF OCOEE, FLORIDA

ATTEST:

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA
APPROVED AS TO FORM AND
LEGALITY THIS 4TH DAY OF
DEC., 2018

SHUFFIELD, LOWMAN & WILSON, P.A.

By:

City Attorney

ADVERTISED 11/22/18 AND 11/29/18
READ FIRST TIME Nov. 20, 2018.
READ SECOND TIME AND ADOPTED
December 4, 2018 UNDER
AGENDA ITEM NO. 11

EXHIBIT "A"

BEGIN AT THE SOUTHWEST CORNER OF THE SW ¼ OF THE SW ¼ OF SECTION 8. TOWNSHIP 22 SOUTH, RANGE 28 EAST. RUN THENCE NORTH ON THE SECTION LINE 280 FEET, THENCE RUN EAST 630 FEET, THENCE RUN SOUTH 280 FEET, THENCE RUN WEST 630 FEET TO THE POINT OF BEGINNING, ORANGE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY ON THE WEST.

"Exhibit B" Location Map

