

# Ordinance

No. ORDINANCE 2022-09

**AN ORDINANCE OF THE TOWN OF OAKLAND, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY OWNED BY KENDALL L BURNUP BEARING PROPERTY TAX PARCEL IDENTIFICATION NUMBER 19-22-27-0000-00-003 WITH AN ADDRESS OF 17500 BROAD ST, 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**, Kendall L. Burnup is hereby determined to be the fee simple title owner of the real property described below; and

**WHEREAS**, Kendall L. Burnup, pursuant to Section 171.044, Florida Statutes, has applied for voluntary annexation of the following property into the municipal limits of the Town of Oakland, which property totals approximately 2.0 acres in size bearing Property Tax Identification Number 19-22-27-0000-00-003; 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 for such annexation under the Code of Ordinances of the Town of Oakland and State law; and

**WHEREAS**, the Town Commission, upon the recommendation of Town staff and the Town Attorney, 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, that the annexation of said property will not result in the creation of any enclave, and 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



**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 metes and bounds 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(s) of land assigned the Tax Identification Parcel Number(s) 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 after 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 26<sup>TH</sup> DAY OF JULY 2022.**

**FIRST READING: JULY 12, 2022**

**SECOND READING: JULY 26, 2022**

  
KATHY STARK, MAYOR

**ATTEST:**

  
ELISE HUI, TOWN CLERK

**Approved for form:**

  
Attorney



**Exhibit "A"**  
**Annexation Site**

**Site Map:**



**Parcel:** 19-22-27-0000-00-003

**Address:** 17500 Broad Street