




Interoffice Memorandum

DATE: August 29, 2022

TO: Katie A. Smith, Deputy Clerk of the
Board of County Commissioners,
County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor,
Agenda Development Office

FROM: Christopher Testerman, AICP, 
Deputy County Administrator

CONTACT PERSON: **Misty Mills**
Planner III
(407) 836-5570 or misty.mills@ocfl.net

SUBJECT: Third Amendment to the Joint Planning Area
(JPA) Agreement between Orange County and
the City of Ocoee

Applicant: N/A

Type of Hearing: Joint Planning Area (JPA) Agreement

Commission District: 1 and 2 entire JPA
2 subject property

**BCC Public Hearing
Required by:** N/A, however, JPA requires a public hearing

**Clerk's Advertising
Requirements:** At least 10 days before the BCC public hearing
date, a regular enactment advertisement in *The
Orlando Sentinel* in compliance with Florida
Statutes No. 125.66(4)(b)(2)

Spanish Contact Person: IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION: Email: planning@ocfl.net or phone, 407-836-5600

PARA MÁS INFORMACIÓN, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO A UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINDAD, FAVOR COMUNICARSE CON LA DIVISIÓN DE PLANIFICACION, AL NUMERO, 407-836-5600

Material Provided:

- (1) Advertising Language
- (2) Proposed third amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Ocoee

Special instructions to the Clerk:

- (1) Please schedule this public hearing for September 27, 2022.
 - (2) The Deputy County Administrator will submit two originals already executed by the City of Ocoee's to the Clerk's office. Please transmit both fully executed originals to the Planning Division upon approval.
- c: Chris R. Testerman, AICP, Deputy County Administrator
Jon V. Weiss, Director, Planning, Environmental, and Development Services Department
Alberto Vargas, March, Manager, Planning Division
Gregory Gologowski, Chief Planner, Planning Division

**ORANGE COUNTY
NOTICE OF PUBLIC HEARING**

The Orange County Board of County Commissioners (BCC) will conduct a public hearing on **Tuesday, September 27, 2022, at 2:00 P.M.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida, regarding the following proposed matter:

Consideration: Third Amendment to the Joint Planning Area (JPA) Agreement between Orange County and the City of Ocoee.

You may examine the notice and the proposed plan at the office of the Comptroller Clerk of the Board of County Commissioners, 201 South Rosalind Avenue, Fourth Floor, Orlando, Florida, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CONTACT THE ORANGE COUNTY PLANNING DIVISION, 407-836-5600, Email: planning@ocfl.net

PARA MÁS INFORMACION, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINIDAD, FAVOR COMUNICARSE CON LA DIVISION DE PLANIFICACION, AL NUMERO, 407-836-5600.

If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.

Phil Diamond, County Comptroller
As Clerk of the Board of County Commissioners
Orange County, Florida

Publish: **September 11, 2022**, the Orlando Sentinel {Legal Classified or Public Record}
Certify: **Third Amendment to the Joint Planning Area Agreement between Orange County and the City of Ocoee**

C: all Board Members' Offices (email)

County Attorney's Office, BCC (Gail Stanford email)
Joel Prinsell, County Attorney's Office, BCC (email)
Chris Testerman, Deputy County Administrator, BCC (email)
Jon V. Weiss, Planning, Environmental Development Services Department BCC (email)
Alberto Vargas, Planning Division, BCC (email)
Gregory Gologowski, Planning Division, BCC (email)
Nicolas Thalmueller, Planning Division, BCC (email)
Sue Watson, Planning Division, BCC (email)
Misty Mills, Planning Division, BCC (email)
Cheryl Gillespie, Agenda Development, BCC (email)
Mike Seif, Orange TV, BCC (email)

**THIRD AMENDMENT TO JOINT PLANNING AREA AGREEMENT
BETWEEN ORANGE COUNTY AND THE CITY OF OCOEE**

THIS THIRD AMENDMENT TO JOINT PLANNING AREA AGREEMENT (the “**Third Amendment**”) is made and entered into this ____ day of _____, 2022, by and between **ORANGE COUNTY, FLORIDA**, a political subdivision of the State of Florida (the “**County**”) and the **CITY OF OCOEE**, a Florida municipal corporation (the “**City**”).

RECITALS

WHEREAS, the County and the City have entered into that certain Joint Planning Area Agreement, dated December 3, 2019, as amended by that certain First Amendment and that certain Second Amendment to Joint Planning Area Agreement both dated on November 30, 2021, (collectively, the “**Joint Planning Area Agreement**”); and

WHEREAS, the Joint Planning Area Agreement relates to property described therein which is located in and around the boundaries of the City (the “**Joint Planning Area**”); and

WHEREAS, the County and the City each exercise comprehensive planning authority pursuant to Chapter 163, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, and enforce land development regulations to regulate the development of land within the respective areas of jurisdiction of each party; and

WHEREAS, the County and the City have the authority to enter into this Third Amendment pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act in general and Section 163.3171, Florida Statutes, in particular; and

WHEREAS, the provisions of the Joint Planning Area Agreement set forth certain procedures for amending the future land use designations shown on the Joint Planning Area Land Use Map (the “**JPA Land Use Map**”); and

WHEREAS, The County and the City desire to change the future land use designation on certain properties that are subject to the Joint Planning Area Agreement; and

WHEREAS, the local planning agencies of both the County and the City have considered this Third Amendment and made recommendations to the Orange County Board of County Commissioners and the Ocoee City Commission, respectively; and

WHEREAS, pursuant to Section 163.3171(3), Florida Statutes, and the Joint Planning Area Agreement, this Third Amendment has been approved at advertised public hearings by a majority vote of both the Orange County Board of County Commissioners and the Ocoee City Commission.

NOW, THEREFORE, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City hereby agree as follows:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.

Section 2. Authority. This Third Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes, (2) the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements, (3) the Charters of the County and the City, and (4) the Joint Planning Area Agreement.

Section 3. Definitions. All terms and phrases used in this Third Amendment shall be as defined in the Joint Planning Area Agreement unless otherwise indicated.

Section 4. Joint Planning Area Land Use Map. The Joint Planning Area Land Use Map, as set forth in Exhibit "B" to the Joint Planning Area Agreement, is hereby amended and replaced with the Exhibit "B" attached hereto and by this reference made a part hereof. The amendment to the JPA Land Use Map changes the future land use designation from Low Density Residential to High Density Residential of the property bearing Parcel ID number 05-22-28-0000-00-029 and as further described in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 5. Continuing Effect. Except as expressly set forth herein, the Joint Planning Area Agreement remains unchanged and in full force and effect.

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IN WITNESS WHEREOF, the County and the City have executed this Third Amendment on behalf of the County and the City, respectively, and have set their seals hereto as of the date set forth above.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
JERRY L. DEMINGS
Orange County Mayor

Date: _____

ATTEST: Phil Diamond, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk
Date: _____

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WITNESSES:

Kathy Heard
Name: Kathy Heard

Amber Landry
Name: Amber Landry

CITY OF OCOEE, a Florida municipal corporation

By: Rusty Johnson
RUSTY JOHNSON
Mayor

Date: August 16, 2022

Attest: Melanie Sibbitt
Melanie Sibbitt, City Clerk
Date: August 16, 2022

**FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND
LEGALITY this 16th day of AUG.,
2022.**

**APPROVED BY THE OCOEE CITY
COMMISSION AT A MEETING HELD
ON August 16, 2022,
UNDER AGENDA ITEM NO. 17.**

**SHUFFIELD, LOWMAN & WILSON,
P.A.**

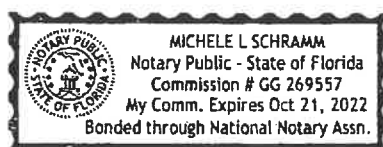
By: [Signature]
City Attorney

**STATE FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared RUSTY JOHNSON and MELANIE SIBBITT, personally known to me to be the Mayor and City Clerk, respectively, of the CITY OF OCOEE, a Florida municipal corporation, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said municipality.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of August, 2022.

(seal)



Michele L. Schramm
Signature of Notary

Name of Notary (type, printed or stamped)
My Commission expires on: _____

EXHIBIT "A"

Parcel ID 05-22-28-0000-00-029

BEGINNING AT A POINT 30 FEET NORTH OF THE SOUTHWEST CORNER OF THE WEST ONE HALF OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 28 EAST, PROCEED NORTH $89^{\circ}16'00''$ EAST 400 FEET, THENCE NORTH 550 FEET, THENCE WESTERLY 400 FEET, THENCE SOUTHERLY 558 FEET ALONG THE WEST LINE TO THE POINT OF BEGINNING, AND LYING AND BEING IN ORANGE COUNTY, FLORIDA.

EXHIBIT "B"

JPA Future Land Use Map

