

BCC Mtg. Date: November 29, 2016

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Rec Fee: \$52.50  
Martha O. Haynie, Comptroller  
Orange County, FL  
MB - Ret To: CITY OF OCOEE

**ORDINANCE NO. 2016-008**  
**(Annexation Ordinance for The Park at 429 PUD)**

**TAX PARCEL ID:** 13-22-27-0000-00-016  
12-22-27-0000-00-031  
07-22-28-0000-00-095



**CASE NO. AX-04-16-58: The Park at 429 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 +/-45.54 ACRES LOCATED ON THE NORTH SIDE OF PALM DRIVE, ON THE WEST SIDE OF SR 429, AND ON THE EAST SIDE OF EAST CROWN POINT ROAD, PURSUANT TO THE APPLICATION SUBMITTED BY THE PROPERTY OWNERS; 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 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 +/- 45.54 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 February 11, 1994, Orange County and the City of Ocoee entered into a Joint Planning Area Agreement, which has from time to time been amended by Orange County and the City of Ocoee (the "JPA Agreement"), and which affects the annexation of the real property hereinafter described; and

**WHEREAS**, on August 9, 2016, 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, consistent

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with the JPA Agreement, 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 the JPA Agreement, as amended, 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 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 20<sup>th</sup> day of September, 2016.

APPROVED:

CITY OF OCOEE, FLORIDA

ATTEST:

  
Melanie Sibbitt, City Clerk

  
Rusty Johnson, Mayor

(SEAL)

FOR USE AND RELIANCE ONLY BY  
THE CITY OF OCOEE, FLORIDA  
APPROVED AS TO FORM AND  
LEGALITY THIS 20<sup>th</sup> DAY OF  
SEPT., 2016

ADVERTISED 9/8/16 AND 9/15/16  
READ FIRST TIME September 16, 2016  
READ SECOND TIME AND ADOPTED  
September 20, 2016, UNDER  
AGENDA ITEM NO. 9

SHUFFIELD, LOWMAN & WILSON, P.A.

By: 

City Attorney

## **EXHIBIT "A"**

### **Legal Description**

#### **SITE 1 - PARCEL 16**

PER FIRST AMERICAN TITLE INSURANCE COMPANY'S COMMITMENT NUMBER: 2037-3490433, EFFECTIVE DECEMBER 22, 2015, AS FOLLOWS:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE LANDS THAT PORTION CONVEYED BY WARRANTY DEED RECORDED SEPTEMBER 26, 1984 IN OFFICIAL RECORDS BOOK 3558, PAGE 2077, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 316.0 FEET (LESS THE NORTH 642.0 FEET) OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

LESS ROAD RIGHT OF WAY ON WEST AND SOUTH.

CONTAINS 610,558 SQUARE FEET OR 14.017 ACRES MORE OR LESS.

#### **SITE 2 – PARCEL 95**

A PORTION OF SOUTHWEST ¼ OF SECTION 7, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHWEST ¼ OF SECTION 7, TOWNSHIP 22 SOUTH, RANGE 28 EAST; THENCE RUN N00°18'20"W ALONG THE WEST LINE OF SAID SOUTHWEST ¼ A DISTANCE OF 2094.00 FEET; THENCE N88°16'32"E A DISTANCE OF 275.37 FEET TO THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY, STATE ROAD NO. 429 ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY PROJECT NO. 75320-6460-602/603; THENCE S01°43'28"E ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE A DISTANCE OF 2096.22 FEET TO THE SOUTH LINE OF SAID SOUTHWEST ¼ OF SECTION 7; THENCE S88°46'36"W, ALONG SAID SOUTH LINE, A DISTANCE OF 327.24 FEET TO THE POINT OF BEGINNING.

THE ANNEX PORTION CONTAINS 631,188 SQUARE FEET OR 14.490 ACRES MORE OR LESS.

#### **SITE 3 - PARCEL 31**

PER FIRST AMERICAN TITLE INSURANCE COMPANY'S COMMITMENT NUMBER: 2037-3510842, EFFECTIVE FEBRUARY 12, 2016, AS FOLLOWS:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF FLORIDA,  
AND IS DESCRIBED AS FOLLOWS:

THE SOUTH 11 ACRES OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12,  
TOWNSHIP 22 SOUTH, RANGE 27 EAST, (LESS N. 164.08 FT), ORANGE COUNTY, FLORIDA.

CONTAINS 354,762 SQUARE FEET OR 8.144 ACRES MORE OR LESS.

**"Exhibit B"**  
**Annexation Area Location Map**

