

BCC Mtg. Date: July 18, 2017



CITY OF ORLANDO

June 21, 2017

Phil Diamond
Orange County Comptroller
P.O. Box 38
Orlando, FL 32802

Re: City of Orlando Ordinance No. 2017-26

Dear Comptroller Diamond:

Pursuant to section 171.044, Florida Statutes, the City Council of the City of Orlando, Florida adopted Ordinance No. 2017-26 on June 19, 2017 annexing certain land into the corporate limits of the City of Orlando. The City is required to furnish a copy of the ordinance to the Orange County Chief Administrative Officer and the Orange County Clerk of Court, which has been done.

The enclosed copy is intended for the files of the Orange County Board of County Commissioners and not for recording in the Official Records.

Sincerely yours,

A handwritten signature in cursive script that reads "Denise Aldridge".

Denise Aldridge
City Clerk

Enclosure

OFFICE OF CITY CLERK

CITY OF ORLANDO • 400 SOUTH ORANGE AVENUE • PO BOX 4990 • ORLANDO, FLORIDA 32802-4990
PHONE 407-246-2251 • FAX 407-246-3613 • [HTTP://WWW.CITYOFORLANDO.NET](http://www.cityoforlando.net)

**CITY OF ORLANDO
COUNCIL AGENDA ITEM**

H/O 2nd Rd
#2

Items Types:

Hearings/Ordinances/2nd Read

District: 3

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

June 19, 2017

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2017-26 annexes and assigns the Residential Low Intensity future land use designation to property located east of Lake Baldwin Lane, south of Rixey Street, west of Jamajo Boulevard and north of Hargrave Street. (Lake Baldwin 5). (Economic Development)

Summary:

The attached ordinance will annex property located east of Lake Baldwin Lane, south of Rixey Street, west of Jamajo Boulevard and north of Hargrave Street. The property is approximately 0.57 acres. The annexation is being requested in order to develop four single family homes. This property will be combined with 4312 Rixey Avenue, which is currently in the City. The overall acreage will allow for five townhome units and the four single family homes. The subject properties are contiguous to the City limits and are reasonably compact. If annexed, the properties will not create an enclave.

The Municipal Planning Board recommended approval of the annexation (ANX2017-00002), the GMP amendment to assign Residential Low Intensity future land use designation (GMP2017-00003) and the Planned Development zoning amendment for the five townhomes and four single family units (ZON2017-00003) on March 21, 2017. The zoning amendment is contained in Ordinance 2017-28, which is a separate item on this agenda.

Fiscal & Efficiency Data:

See attachment.

Recommended Action:

Adopt the attached ordinance number 2017-26 and authorize the Mayor and City Clerk or Mayor Pro Tempore and City Clerk to execute on behalf of the City upon its final review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: *All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.*

Contact: Michelle Beamon Robinson, michelle.robinson@cityoforlando.net, 407.246.3145

Approved By:

Department

Date and Time

City Council Meeting: 6-19-17
Item: 12-2 Documentary: 120619/202

BCC Mtg. Date: July 18, 2017

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, ANNEXING TO THE
3 CORPORATE LIMITS OF THE CITY CERTAIN LAND
4 GENERALLY LOCATED EAST OF LAKE BALDWIN
5 LANE, SOUTH OF RIXEY STREET, WEST OF JAMAJO
6 BOULEVARD AND NORTH OF HARGRAVE STREET;
7 AND COMPRISED OF 0.57 ACRES, MORE OR LESS;
8 AMENDING THE CITY'S ADOPTED GROWTH
9 MANAGEMENT PLAN TO DESIGNATE THE PROPERTY
10 AS RESIDENTIAL LOW INTENSITY ON THE CITY'S
11 OFFICIAL FUTURE LAND USE MAPS; PROVIDING FOR
12 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND
13 USE MAPS; PROVIDING FINDINGS, AMENDMENT OF
14 THE CITY'S BOUNDARY DESCRIPTION, AND FOR
15 AMENDMENT OF THE CITY'S OFFICIAL MAPS;
16 PROVIDING FOR SEVERABILITY, CORRECTION OF
17 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.
18

19 **WHEREAS**, on February 23, 2017, the City Council of the City of Orlando,
20 Florida (the "Orlando City Council"), accepted a petition for voluntary annexation
21 (hereinafter the "petition") bearing the signatures of all owners of property in an area of
22 land generally located east of Lake Baldwin Lane, south of Rixey Street, west of Jamajo
23 Boulevard, and north of Hargrave Street, such land comprised of approximately 0.57
24 acres and being precisely described by the legal description of the area by metes and
25 bounds attached to this ordinance as **Exhibit A** (hereinafter the "property"); and
26

27 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
28 section 171.044, Florida Statutes; and
29

30 **WHEREAS**, at its regularly scheduled meeting of March 21, 2017, the Municipal
31 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered
32 Annexation case number ANX2017-00002, requesting to annex the property into the
33 jurisdictional boundaries of the city; and
34

35 **WHEREAS**, at its regularly scheduled meeting of March 21, 2017, the MPB
36 considered Growth Management Plan (hereinafter the "GMP") case number GMP2017-
37 00003, requesting an amendment to the city's GMP to designate the property as
38 "Residential Low Intensity", on the city's official future land use map; (hereinafter referred
39 to as the "applications"); and
40

41 **WHEREAS**, based upon the evidence presented to the MPB, including the
42 information and analysis contained in the "Staff Report to the Municipal Planning Board"
43 for application case numbers ANX2017-00002, and GMP2017-00003, (entitled "Item #1-
44 Lake Baldwin 5 Annexation), the MPB recommended that the Orlando City Council
45 approve said applications and adopt an ordinance in accordance therewith; and
46

47 **WHEREAS**, the MPB found that application GMP2017-00003 is consistent with:
48

49 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
50 (the "State Comprehensive Plan"); and
51

52 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
53 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes
54 (the "Strategic Regional Policy Plan"); and
55

56 3. The *City of Orlando Growth Management Plan*, adopted as the city's
57 "comprehensive plan" for purposes of the Florida Community Planning Act, sections
58 163.3164 through 163.3217, Florida Statutes (the "GMP"); and
59

60 **WHEREAS**, sections 3 and 4 of this ordinance are adopted pursuant to the
61 process for adoption of a small-scale amendment as provided by section 163.3187,
62 Florida Statutes; and
63

64 **WHEREAS**, the Orlando City Council hereby finds that:
65

66 1. As of the date of the petition, the property was located in the unincorporated
67 area of Orange County; and
68

69 2. As of the date of the petition, the property is contiguous to the city within the
70 meaning of subsection 171.031(11), Florida Statutes; and
71

72 3. As of the date of the petition, the property is reasonably compact within the
73 meaning of subsection 171.031(12), Florida Statutes; and
74

75 4. The petition bears the signatures of all owners of property in the area to be
76 annexed; and
77

78 5. Annexation of the property will not result in the creation of enclaves within the
79 meaning of subsection 171.031(13), Florida Statutes; and
80

81 6. The property is located wholly within the boundaries of a single county; and
82

83 7. The petition proposes an annexation that is consistent with the purpose of
84 ensuring sound urban development and accommodation to growth; and
85

86 8. The petition, this ordinance, and the procedures leading to the adoption of
87 this ordinance are consistent with the uniform legislative standards provided by the
88 Florida Municipal Annexation and Contraction Act for the adjustment of municipal
89 boundaries; and
90

91 9. The petition proposes an annexation that is consistent with the purpose of
92 ensuring the efficient provision of urban services to areas that become urban in
93 character within the meaning of subsection 171.031(8), Florida Statutes; and
94

95 10. The petition proposes an annexation that is consistent with the purpose of
96 ensuring that areas are not annexed unless municipal services can be provided to those
97 areas; and
98

99 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
100 best interest of the public health, safety, and welfare, and is consistent with the
101 applicable provisions of Florida Statutes, the State Comprehensive Plan, the Strategic
102 Regional Policy Plan, and the city's GMP and LDC; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. ANNEXATION. Pursuant to the authority granted by section 171.044, Florida Statutes, and having determined that the owner or owners of the property have petitioned the Orlando City Council for annexation into the corporate limits of the city, and having determined that the petition bears the signatures of all owners of property in the area proposed to be annexed, and having made the findings set forth in this ordinance, the property is hereby annexed into the corporate limits of the City of Orlando, Florida, and the boundary lines of the city are hereby redefined to include the property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area is clearly shown on the map attached to this ordinance as **Exhibit B**.

SECTION 2. CITY BOUNDARIES. Pursuant to section 171.091, Florida Statutes, the charter boundary article of the city is hereby revised in accordance with this ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a revision of the City Charter with the Florida Department of State. The city planning official, or designee, is hereby directed to amend the city's official maps in accordance with this ordinance.

SECTION 3. FLUM DESIGNATION. Pursuant to section 163.3187, Florida Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land Use Map designation for the property is hereby established as "Residential Low Intensity," as depicted in **Exhibit C** to this ordinance.

SECTION 4. AMENDMENT OF FLUM. The city planning official, or designee, is hereby directed to amend the city's adopted future land use maps in accordance with this ordinance.

SECTION 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three and four which take effect on the 31st day after the state land planning agency notifies the city that the plan amendment package is complete. If timely challenged, this ordinance does not become effective until the state land planning agency or the Administration Commission enters a final order determining this amendment to be "in compliance" as defined at section 163.3184(1)(b), Florida Statutes.

DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, this 4TH day of JUNE, 2017.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 5TH day of JUNE, 2017.

DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, this 11TH day of JUNE, 2017.

DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this 19TH day of JUNE, 2017.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

Denise Aldridge
City Clerk

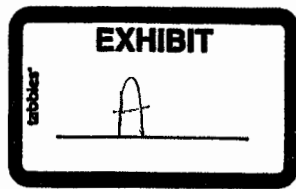
Denise Aldridge
Print Name

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF ORLANDO, FLORIDA:

Melissa Clarke
City Attorney

Melissa Clarke
Print Name

[Remainder of page intentionally left blank.]



VERIFIED LEGAL DESCRIPTION FORM

MUNICIPAL PLANNING BOARD

The following legal description has been prepared by Engineering Records and submitted to the City Planning Bureau for verification.

Signature _____

2/21/2017

Date

"This description has been reviewed by the Bureau of Engineering and is acceptable based on a comparison with:

RECORD PLAT, P.A. RECORDS,
MCMAHON S.O.D. DATED
1/26/17 & CALCULATIONS.

By R.Y. Platt Date 2.23.2017

Application Request (Office Use Only):

File No. ANX2017-00002
GMP2017-00003

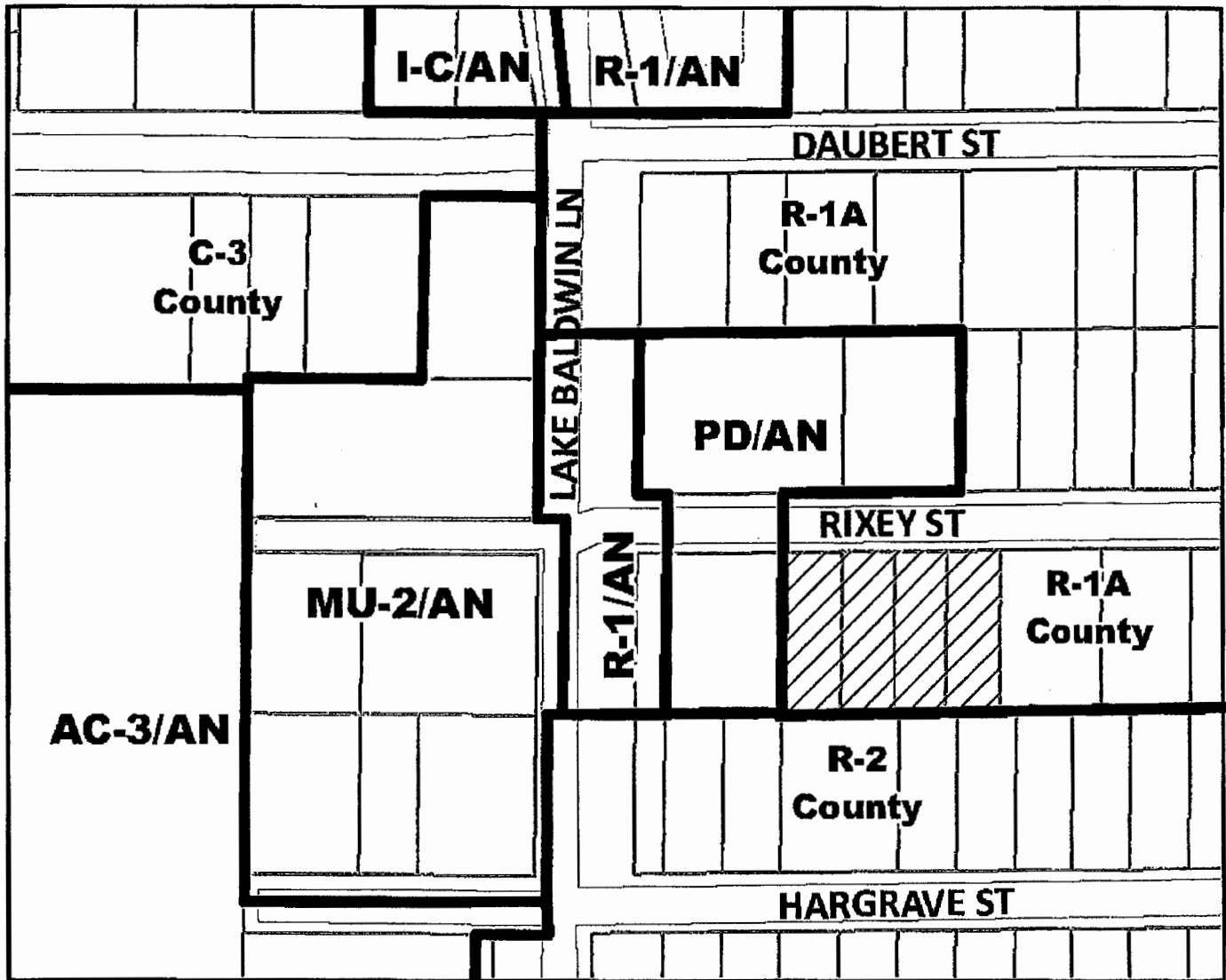
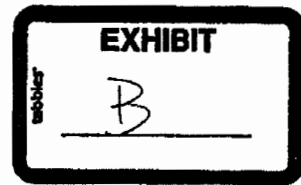
Legal Description Including Acreage (To be Typed By Applicant):

LOTS 10, 11, 12 AND THE WEST 35 FEET OF LOT 9, BLOCK "Q", JAMAJO SUBDIVISION, AS RECORDED IN PLAT BOOK "J", PAGE 88, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FURTHER DESCRIBED AS FOLLOWS:

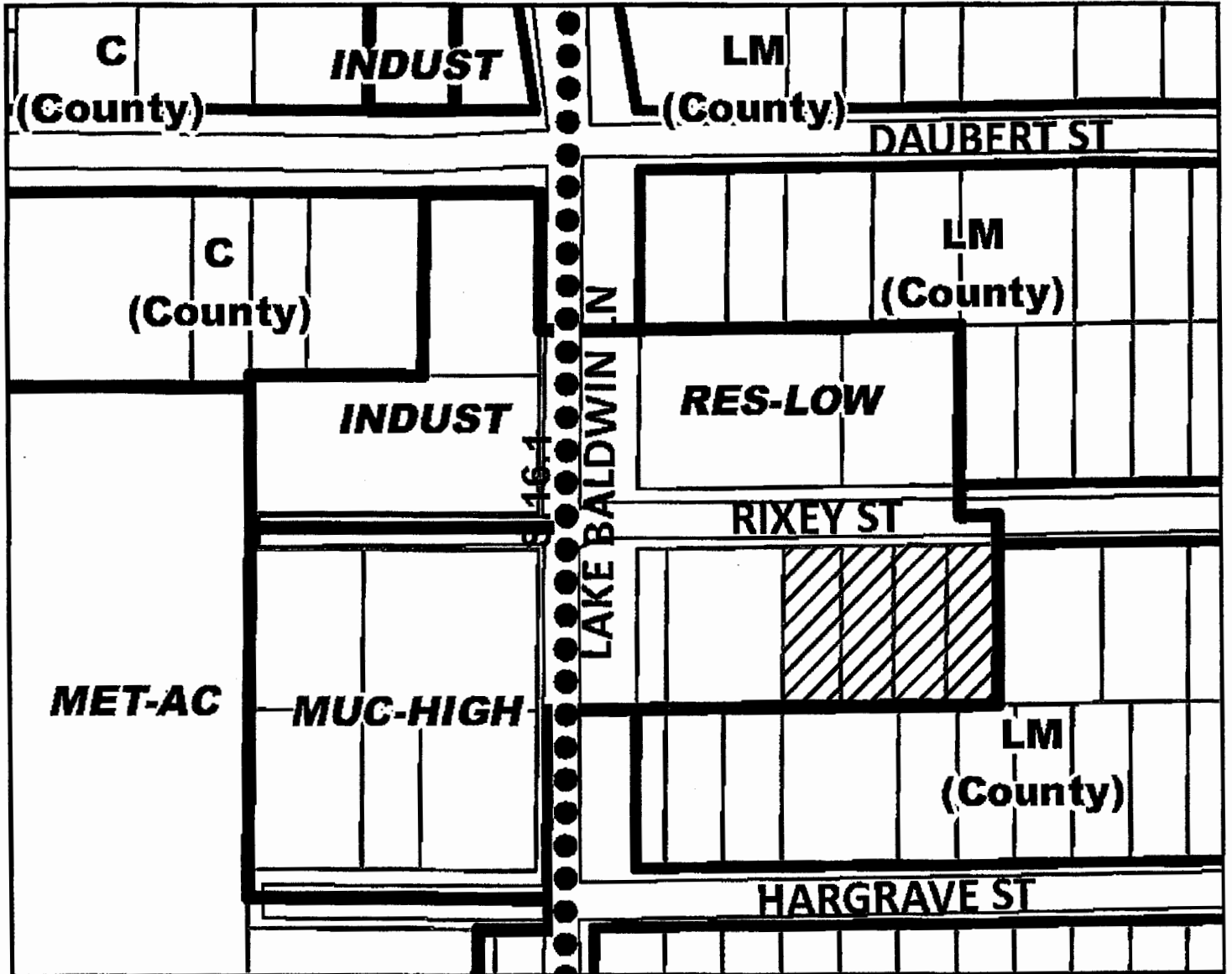
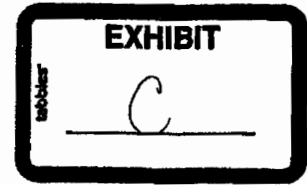
BEGIN AT THE NORTHWEST CORNER OF LOT 12, BLOCK "Q", JAMAJO SUBDIVISION, AS RECORDED IN PLAT BOOK "J", PAGE 88, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF RIXEY STREET (A 50 FOOT WIDE RIGHT-OF-WAY), FOR A DISTANCE OF 185 FEET TO A POINT 15 FEET WEST OF THE NORTHEAST CORNER OF LOT 9, BLOCK "Q", OF SAID PLAT; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, RUN S01°24'05"W, ALONG A LINE 15 FEET WEST OF THE EAST LINE OF SAID LOT 9, FOR A DISTANCE OF 135 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 9; THENCE, ALONG A PORTION OF THE SOUTH LINE OF SAID LOT 9 AND THE SOUTH LINE OF LOTS 10, 11 AND 12 OF BLOCK "Q", OF SAID PLAT, A DISTANCE OF 185 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE N00°24'06"E, ALONG THE WEST LINE OF SAID LOT 12, FOR A DISTANCE OF 135 FEET TO THE NORTHWEST CORNER OF SAID LOT 12 AND ALSO BEING THE **POINT OF BEGINNING**.

CONTAINING 0.57 ACRES, MORE OR LESS.



ANX2017-00002





Future Land Use - Proposed GMP2017-00003



Published Daily
ORANGE County, Florida

STATE OF FLORIDA

COUNTY OF ORANGE

Before the undersigned authority personally appeared

Brandon DeLoach / Maria Curtin / Jennifer Carter, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11150-Public Hearing Notice, Ordinance No. 2017-26, June 19, 2017 at 2:00 p.m. was published in said newspaper in the issues of Jun 04, 2017; Jun 11, 2017.

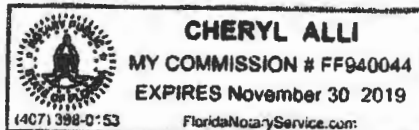
Affiant further says that the said ORLANDO SENTINEL is a newspaper published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Bh
Signature of Affiant

Brandon DeLoach
Printed Name of Affiant

Sworn to and subscribed before me on this 13 day of June, 2017,
by above Affiant, who is personally known to me (X) or who has produced identification ().

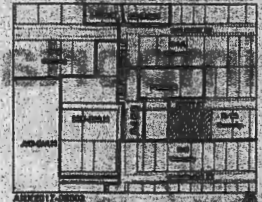
Cheryl Alli
Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

Notice of Proposed Ordinance

On June 19, 2017 the Orlando City Council will consider proposed Ordinance 2017-26, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED EAST OF LANE MADWIN LANE, SOUTH OF KIRBY STREET, WEST OF LANAJO BOULEVARD AND SOUTH OF HUNTERS STREET, AND COMPRISED OF 1.5 ACRES, MORE OR LESS, AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS RESIDENTIAL LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE MAPS; PROVIDING FINDINGS; AMENDMENT OF THE CITY'S BOUNDARY DESCRIPTION AND FOR AMENDMENT OF THE CITY'S OFFICIAL MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.



A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to 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. The proposed ordinance and a complete legal description by metes and bounds of the area proposed for annexation may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Avenue, Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting.

054978291

6/4,6/1/2017