

BCC Mtg. Date: August 22, 2017



CITY OF ORLANDO

July 14, 2017

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

Re: City of Orlando Ordinance No. 2017-32

Dear Comptroller ^{Phil}Diamond:

Pursuant to section 171.044, Florida Statutes, the City Council of the City of Orlando, Florida adopted Ordinance No. 2017-32 on July 10, 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

Received by: Clerk of BCC JUL 18 2017 LL
c. Community Environmental & Development Services Director Jon Weiss
Planning Division Manager Alberto Vargas
Planner II Steven Thorp

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)

ORDINANCE NO. 2017-32

BCC Mtg. Date: August 22, 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 NORTH OF STATE ROAD 417,**
5 **EAST OF NARCOOSSEE ROAD AND SOUTH OF MOSS**
6 **PARK ROAD, ADDRESSED AS 10775 NARCOOSSEE**
7 **ROAD, AND COMPRISED OF 2.65 ACRES, MORE OR**
8 **LESS; AMENDING THE CITY'S ADOPTED GROWTH**
9 **MANAGEMENT PLAN TO DESIGNATE THE PROPERTY**
10 **AS URBAN VILLAGE ON THE CITY'S OFFICIAL FUTURE**
11 **LAND USE MAPS; AMENDING THE BOUNDARY LINES**
12 **OF SUBAREA POLICY S.35.4 TO INCLUDE THE**
13 **PROPERTY; PROVIDING FOR AMENDMENT OF THE**
14 **CITY'S OFFICIAL FUTURE LAND USE MAPS;**
15 **PROVIDING FINDINGS, AMENDMENT OF THE CITY'S**
16 **BOUNDARY DESCRIPTION, AND FOR AMENDMENT OF**
17 **THE CITY'S OFFICIAL MAPS; PROVIDING FOR**
18 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
19 **ERRORS, AND AN EFFECTIVE DATE.**

20
21 **WHEREAS**, on April 24, 2017, the City Council of the City of Orlando, Florida
22 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
23 "Petition") bearing the signatures of all owners of property in an area of land generally
24 located north of State Road 417, east of Narcoossee Road, and south of Moss Park
25 Road, comprised of approximately 2.65 acres of land and being precisely described by
26 the legal description of the area by metes and bounds attached to this ordinance as
27 **Exhibit "A"** (hereinafter the "Property"); and

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

31
32 **WHEREAS**, at its regularly scheduled meeting of May 16, 2017, the Municipal
33 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered the
34 following applications relating to the Property:

- 35
36 1. Annexation case number ANX2017-00004, requesting to annex the Property
37 into the jurisdictional boundaries of the City; and
38
39 2. Growth Management Plan ("GMP") case number GMP2017-00010,
40 requesting an amendment to the City's GMP to designate the Property as
41 "Urban Village" on the City's official Future Land Use Map (together,
42 hereinafter referred to as the "Applications"); and
43
44 3. Growth Management Plan case number GMP2017-00011, requesting an
45 amendment to the boundaries of subarea policy S.35.4 to incorporate the
46 Property; and
47

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case numbers ANX2017-00004, GMP2017-00010, and GMP2017-00011 (entitled "Item #2 – Lake Nona Marketplace"), the MPB recommended that the Orlando City Council approve said Applications and adopt an ordinance in accordance therewith; and

WHEREAS, the MPB found that application case numbers GMP2017-00010 and GMP2017-00011 are consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (the "State Comprehensive Plan"); and
2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (the "Strategic Regional Policy Plan"); and
3. The *City of Orlando Growth Management Plan*, adopted as the City's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (the "GMP"); and

WHEREAS, sections 3 through 5 of this ordinance are adopted pursuant to the "process for adoption of small-scale comprehensive plan amendment" as provided by section 163.3187, Florida Statutes; and

WHEREAS, the Orlando City Council hereby finds that:

1. As of the date of the Petition, the Property was located in the unincorporated area of Orange County; and
2. As of the date of the Petition, the Property is contiguous to the City within the meaning of subsection 171.031(11), Florida Statutes; and
3. As of the date of the Petition, the Property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and
4. The Petition bears the signatures of all owners of property in the area to be annexed; and
5. Annexation of the Property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and
6. The Property is located wholly within the boundaries of a single county; and

ORDINANCE NO. 2017-32

7. The Petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and
8. The Petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and
9. The Petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of subsection 171.031(8), Florida Statutes; and
10. The Petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; and

WHEREAS, the Orlando City Council hereby finds that application case numbers GMP2017-00010 and GMP2017-00011 are consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (the "State Comprehensive Plan"); and
2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (the "Strategic Regional Policy Plan"); and
3. The *City of Orlando Growth Management Plan*, adopted as the City's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (the "GMP"); and

WHEREAS, the Orlando City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of the City's Land Development Code and Growth Management Plan; 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

137 Orlando, Florida, and the boundary lines of the City are hereby redefined to include the
138 Property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
139 is clearly shown on the map attached to this ordinance as **Exhibit "B."**
140

141 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes,
142 the charter boundary article of the City is hereby revised in accordance with this
143 ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
144 revision of the City Charter with the Florida Department of State. The City planning
145 official, or designee, is hereby directed to amend the City's official maps in accordance
146 with this ordinance.
147

148 **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida
149 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land
150 Use Map designation for the Property is hereby established as "Urban Village" as
151 depicted in **Exhibit "C"** to this ordinance.
152

153 **SECTION 4. SUBAREA POLICY.** The boundary lines of Subarea policy S.35.4
154 are hereby revised as shown in **Exhibit "D"** to include the Property.
155

156 **SECTION 5. AMENDMENT OF FLUM.** The City planning official, or designee,
157 is hereby directed to amend the City's adopted Future Land Use Maps in accordance
158 with this ordinance.
159

160 **SECTION 6. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
161 errors found in this ordinance by filing a corrected copy of this ordinance with the city
162 clerk.
163

164 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its
165 application to any person or circumstance is held invalid, the invalidity does not affect
166 other provisions or applications of this ordinance which can be given effect without the
167 invalid provision or application, and to this end the provisions of this ordinance are
168 severable.
169

170 **SECTION 8. EFFECTIVE DATE.** This ordinance is effective upon adoption,
171 except for sections one and two, which take effect on the 30th day after adoption, and
172 sections three, four and five, which, pursuant to subparagraph 163.3187(5)(c), Florida
173 Statutes, take effect 31 days after adoption, or if timely challenged, upon the state land
174 planning agency or the Administration Commission issuing a final order determining the
175 adopted amendment to be in compliance.
176

177 **DONE, THE PUBLISHED ADVERTISEMENT FOR THE TRANSMITTAL**
178 **STAGE HEARING**, in a newspaper of general circulation in the City of Orlando, Florida,
179 by the city clerk of the City of Orlando, Florida, this 25 day of
180 June, 2017.


DONE, THE FIRST READING AND TRANSMITTAL STAGE HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 19 day of June, 2017.


DONE, THE PUBLISHED ADVERTISEMENT FOR THE ADOPTION HEARING, in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, this 2 day of July, 2017.

DONE, THE PUBLISHED NOTICE OF ANNEXATION, in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, this 25 day of June, 2017, and this 2 day of July, 2017.

DONE, THE SECOND READING AND ADOPTION 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 10 day of July, 2017.

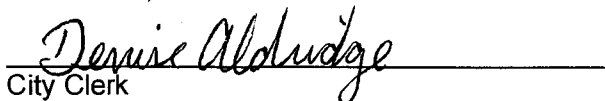
BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:



Mayor / Mayor Pro Tempore


Print Name

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

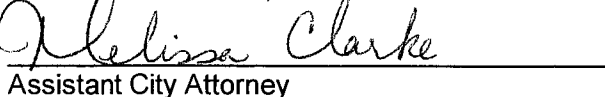


City Clerk

Denise Aldridge

Print Name

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



Assistant City Attorney

Melissa Clarke

Print Name



VERIFIED LEGAL DESCRIPTION FORM



The following legal description has been prepared by

John C. Reich

and submitted to the City Planning Division for verification.

Signature

[Signature]

Date

March 24, 2017

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

RECORD PLATS,
RAN TRAVERSE
AND CLOSURE.

By R. J. [Signature] Date 4.10.2017

Application Request (Office Use Only)

File No. ANX2017-00004
GMP2017-00011
GMP2017-00010
ZON2017-00009

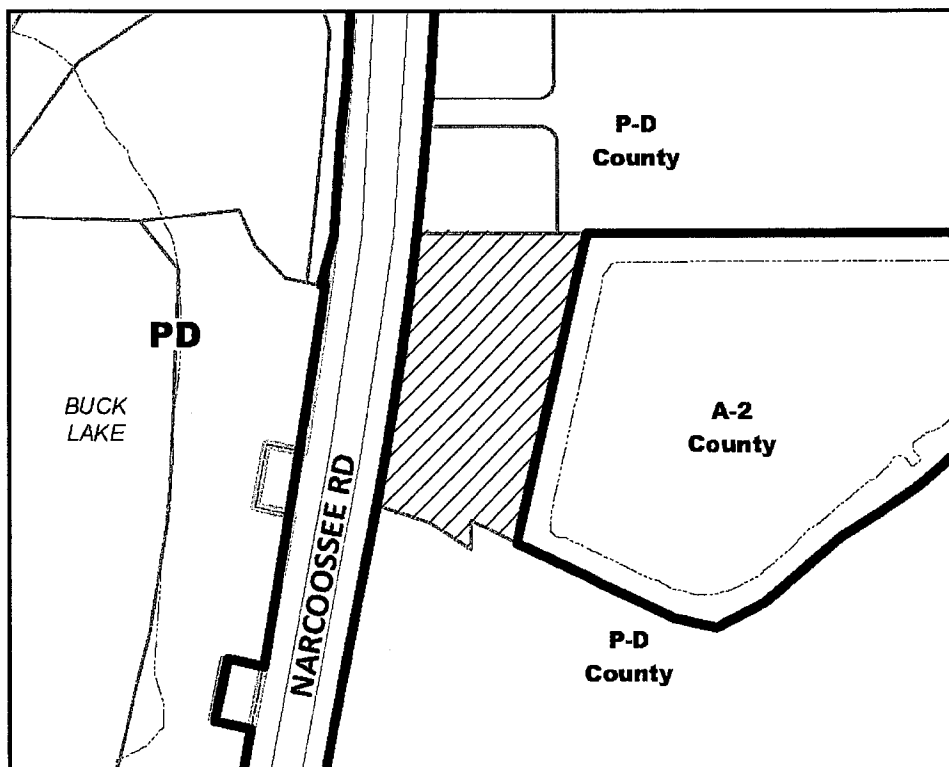
Legal Description Including Acreage (To be typed by Applicant):

A parcel of land located in Section 8, Township 24 South, Range 31 East, Orange County, Florida, and being more particularly described as follows:

Begin at the Southwest corner of the plat of MOSS PARK COMMERCIAL SITE, as recorded in Plat Book 66, Page 39 of the Public Records of Orange County, Florida, said point also being on the Easterly right of way line of Narcoossee Road (130-foot right of way); thence departing said Easterly right of way line and with the South line of said MOSS PARK COMMERCIAL SITE, run N89°59'44"E, a distance of 271.75 feet; thence departing said South line, run S12°56'23"W, a distance of 499.10 feet; thence run N64°32'31"W, a distance of 84.47 feet; thence run S00°00'18"W, a distance of 45.69 feet; thence run N57°16'49"W, a distance of 76.40 feet; thence run N71°55'02"W, a distance of 89.01 feet to a point on the aforesaid Easterly right of way line of Narcoossee Road, said point being a point on a non-tangent curve, concave to the West, having a Radius of 5,794.65 feet and a Central Angle of 04°16'14"; thence run Northerly along said Easterly right of way line and the Arc of said curve, a distance of 431.91 feet (Chord Bearing = N08°40'54"E, Chord = 431.81 feet) to the Point of Beginning.

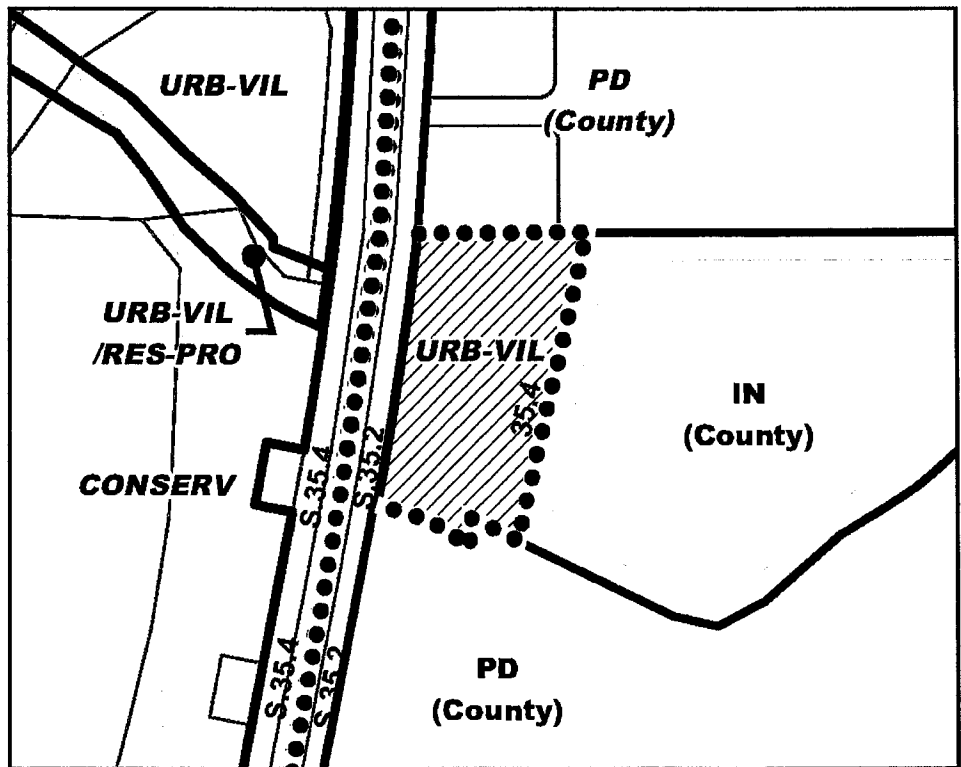
Containing 2.655 acres, more or less.

| OF |



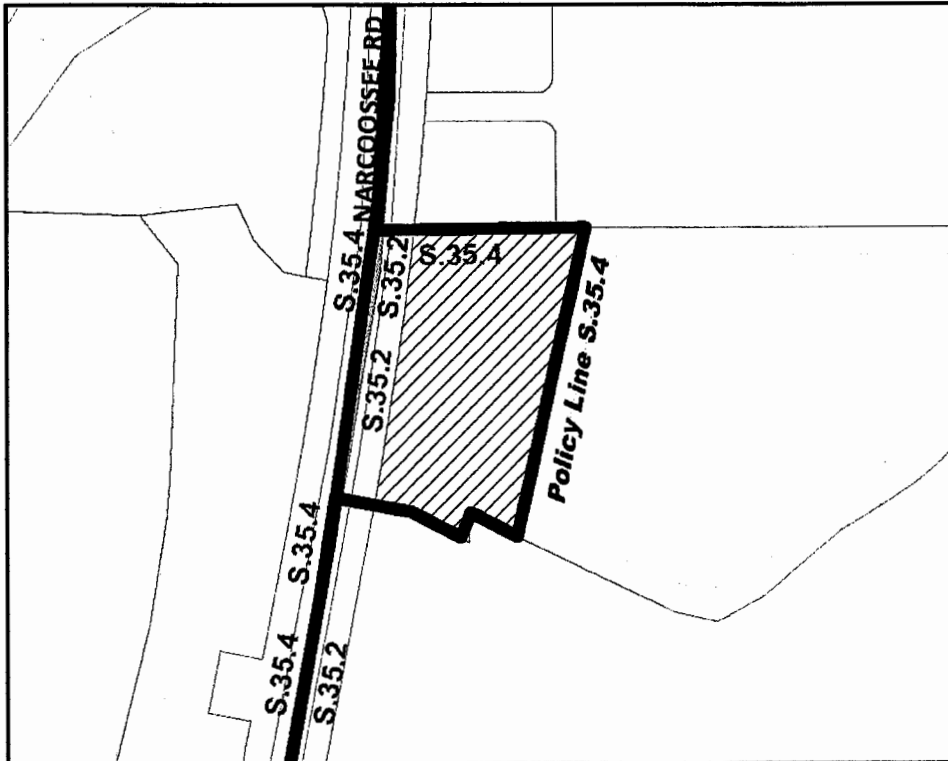
ANX2017-00004





Future Land Use - Proposed GMP2017-00010





Future Land Use - Proposed GMP2017-00011



Orlando Sentinel

Published Daily
ORANGE County, Florida

STATE OF FLORIDA

COUNTY OF ORANGE

Before the undersigned authority personally appeared Brandon DeLoach, 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, July 10, 2017 at 2:00 p.m., Ordinance Number 2017-32 was published in said newspaper in the issues of Jun 25, 2017; Jul 02, 2017.

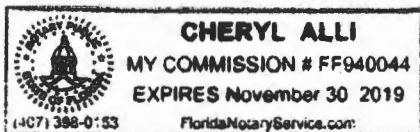
Affiant further says that the said ORLANDO SENTINEL is a newspaper published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, 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 V
Signature of Affiant

Brandon DeLoach
Printed Name of Affiant

Sworn to and subscribed before me on this 3 day of July, 2017,
by above Affiant, who is personally known to me (X) or who has produced
identification ().

Cheryl Alli
Signature of Notary Public

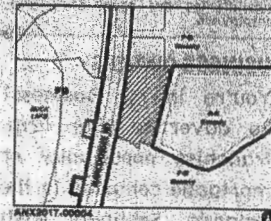


Name of Notary, Typed, Printed, or Stamped

5019004

Notice of Proposed Enactment

On July 10, 2017, the Orlando City Council will consider proposed ordinance #2017-32, 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 NORTH OF STATE ROAD 417, EAST OF NARCOOSSEE ROAD AND SOUTH OF MOSS PARK ROAD, ADDRESSED AS 10775 NARCOOSSEE ROAD, AND COMPRISED OF 2.65 ACRES, MORE OR LESS, AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS URBAN VILLAGE, ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS, AMENDING THE BOUNDARY LINES OF SUBAREA POLICY S-35.4 TO INCLUDE THE PROPERTY, 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.

OS5019004

6/25, 7/2/2017

11/0 2nd Rd
#3

**CITY OF ORLANDO
COUNCIL AGENDA ITEM**

Items Types:

Hearings/Ordinances/2nd Read

District: 1**Contract ID:****Exhibits:** Yes**Grant Received by City?:** No**For Meeting of:**

July 10, 2017

From:**Document Number:****On File (City Clerk) :** Yes**Draft Only:** No**Subject:**

Ordinance No. 2017-32 annexes, assigns Urban Village FLU, and extends Subarea Policy S.35.4 to subject property comprised of 2.65 acres at 10775 Narcoossee Road (Economic Development)

Summary:

Ordinance No. 2017-32 annexes property located north of State Road 417, east of Narcoossee Road, and south of Moss Park Road, addressed as 10775 Narcoossee Road, and comprised of 2.65 acres. This ordinance also amends the City's adopted Growth Management Plan to designate the subject property as Urban Village on the City's Future Land Use maps and extend the boundaries of Subarea Policy S.35.4 to include the subject property. This annexation is being requested in order to allow for phase 2 of a commercial development. The subject property is contiguous to the City limits and is reasonably compact. If annexed, the property will not create an enclave.

The Municipal Planning Board recommended approval of the annexation (ANX2017-00004), the GMP amendment to assign Urban Village Future Land Use designation (GMP2017-00010), and the GMP amendment to extend the boundaries of Subarea Policy S.35.4 to include the subject property (GMP2017-00011), on May 16, 2017.

Fiscal & Efficiency Data: See attachment**Recommended Action:**



Adopt the attached ordinance number 2017-32 and authorize the Mayor and the City Clerk or Mayor Pro Tempore and City Clerk to execute on behalf of the City upon 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: Wes Shaffer, thomas.shaffer@cityoforlando.net, 407-246-3792**Approved By:****Department****Date and Time****ATTACHMENTS:**

Name:	Description:	Type:
<input type="checkbox"/> Lake Nona Marketplace ANX2017-00004 GMP2017-00010 GMP2017-00011.pdf	Ordinance No. 2017-32	City Council Meeting: 7/10/17 Item: 12-3 Documentary: 170710/2003 Ordinance

 2017-32 Exhibits.pdf	2017-32 Exhibits	Exhibit
 Lake Nona Marketplace FIS.pdf	Fiscal Impact Statement for Lake Nona Marketplace	Fiscal Impact Statement

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."