



## Interoffice Memorandum

DATE: April 4, 2019

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Planning, Environmental and Development  
Services Department

CONTACT PERSON: **Steven Thorp, AICP, Planner III**  
**Planning Division**  
**(407) 836-5549**

SUBJECT: April 23, 2019 – Public Hearing  
Third Amendment to Settlement Interlocal Agreement between  
Orange County and the City of Apopka

The adopted Orange County/Apopka Joint Planning Area (JPA) Agreement establishes boundaries for annexation, depicts allowable land use designations, and provides for notice of certain land use applications. Both the County and the City of Apopka must approve any changes to the JPA Agreement's Boundary Map (Attachments "1" & "2") and text revisions. The JPA agreement was approved on October 26, 2004 and has been amended twice, with the latest amendment approved on October 19, 2010.

This Third Amendment to the JPA Agreement will expand the Joint Planning Area boundary near the Orlando Apopka Airport, as some of subject properties are bisected by the current JPA boundary, which prevents development in a concise method. A small area study will be required within twelve months to assign conceptual land uses to the area being added.

Additionally, this amendment also requires approval by the Board of County Commissioners prior to the City's review and approval of any extensions or expansions of the Orlando Apopka Airport.

The City of Apopka approved this Third Amendment of the agreement on May 7, 2019.

**ACTION REQUESTED: Approval and execution of the Third Amendment to Settlement Interlocal Agreement Between Orange County and the City of Apopka.**  
**District 2**

Attachments

- c: Chris Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney, County Attorney's Office  
Jon V. Weiss, Director, Planning Environmental Development Services  
Department  
Alberto Vargas, MArch, Manager, Planning Division  
Susan McCune, AICP, Project Manager, Planning Division

**THIRD AMENDMENT TO  
SETTLEMENT INTERLOCAL  
AGREEMENT**

**THIS THIRD AMENDMENT TO THE SETTLEMENT INTERLOCAL AGREEMENT** (Third Amendment) is made by and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the **CITY OF APOPKA**, a Florida municipal corporation ("City"), and **ORANGE COUNTY, FLORIDA**, a political subdivision and charter county of the State of Florida ("County").

**RECITALS:**

**WHEREAS**, the City and County entered into that certain Settlement Interlocal Agreement Between the City of Apopka, Florida and Orange County, Florida on October 26, 2004, as amended by that certain First Amendment to the Settlement Interlocal Agreement approved on August 2, 2005 and that certain Second Amendment to Joint Planning Area Agreement Between Orange County and the City of Apopka approved on October 19, 2010 (collectively the "Agreement" or the "JPA"); and

**WHEREAS**, the City and County now desire to further amend the Agreement to clarify certain other parcels that are eligible for annexation into the City; and

**WHEREAS**, the City and County recognize that a Map Amendment is necessary to provide proper planning and access to areas that are unique to the JPA border adjacent to the Orlando Apopka Airport (Attachment "1"); and

**WHEREAS**, existing properties straddle a portion of the existing Joint Planning Agreement line and are bisected by the line, preventing them from being developed in a concise method; and

**WHEREAS**, one of the proposed developments would be serviced by access through the existing properties, and would be aviation related for pilot training and aviation maintenance and repair, which is directly associated with the Orlando Apopka Airport; and

**WHEREAS**, the City shall complete a small area study within twelve months to assign conceptual land uses for the area being added by this Third Amendment to the JPA and generally located north, west, southwest, and adjacent to the Orlando Apopka Airport; and

**WHEREAS**, pursuant to Section 163.3171(3), Florida Statutes (2018), this Third Amendment has been approved by the Orange County Board of County Commissioners and the Apopka City Council at advertised public hearings.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

**Section 1. Recitals.**

The foregoing Recitals are true and correct and are incorporated into and form a part of this Third Amendment. All initially capitalized terms not defined herein shall have the meaning set forth in the Agreement.

**Section 2. Authority.**

This Third Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes (2018), (2) the general authority of Section 163.01, Florida Statutes (2018), relating to interlocal agreements, (3) the Charters of the County and City, and (4) the Agreement.

**Section 3. Text Amendment.** A new paragraph (f) is added to Section 3. Joint Land Use Plan, to read as follows:

(f) "Plymouth Addition." - The City agrees that the Board of County Commissioners' approval is required prior to the City Council's review and approval of any expansion or extension of the Orlando Apopka Airport, including but not limited to expansion or extension of its runway, from its location within the City's jurisdictional boundary as of the Effective Date of this Third Amendment onto property located adjacent to the airport boundary and within the Joint Planning Area identified on Attachment "1." The City shall send written notice of any such request or proposal for expansion or extension to the Deputy County Administrator at least ninety days before the City Council reviews any such request or proposal, so that the Board of County Commissioners will have sufficient time to schedule, advertise and hold a public hearing on the request or proposal.

**Section 4. Map Amendment.**

Attachment "1" depicts the area being added to the JPA, and Attachment "2" depicts the redrawn JPA boundary line, which includes the area shown in Attachment "1" and all annexations that have occurred within the JPA boundary since the original adoption of the Agreement. Attachment "2" shall hereby supersede and replace Exhibit "A" of the Agreement.

**Section 5. Severability.**

Except as expressly set forth herein, all other provisions of the JPA remain unchanged and in full force and effect. Should any section, subsection, sentence, clause, phrase or provision of this Third Amendment be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Third Amendment invalid or unconstitutional.

**Section 6. Effective Date.**

This Third Amendment to the Agreement shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

**IN WITNESS WHEREOF**, the City and County have executed this Third Amendment to the Agreement on the dates inscribed below.

**Third Amendment to the Settlement Interlocal Agreement Between Orange County and the City of Apopka**

**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

Date: \_\_\_\_\_

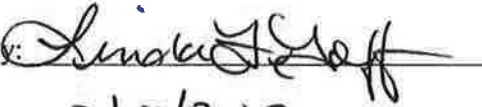
ATTEST: Phil Diamond, CPA, County Comptroller  
as Clerk of Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

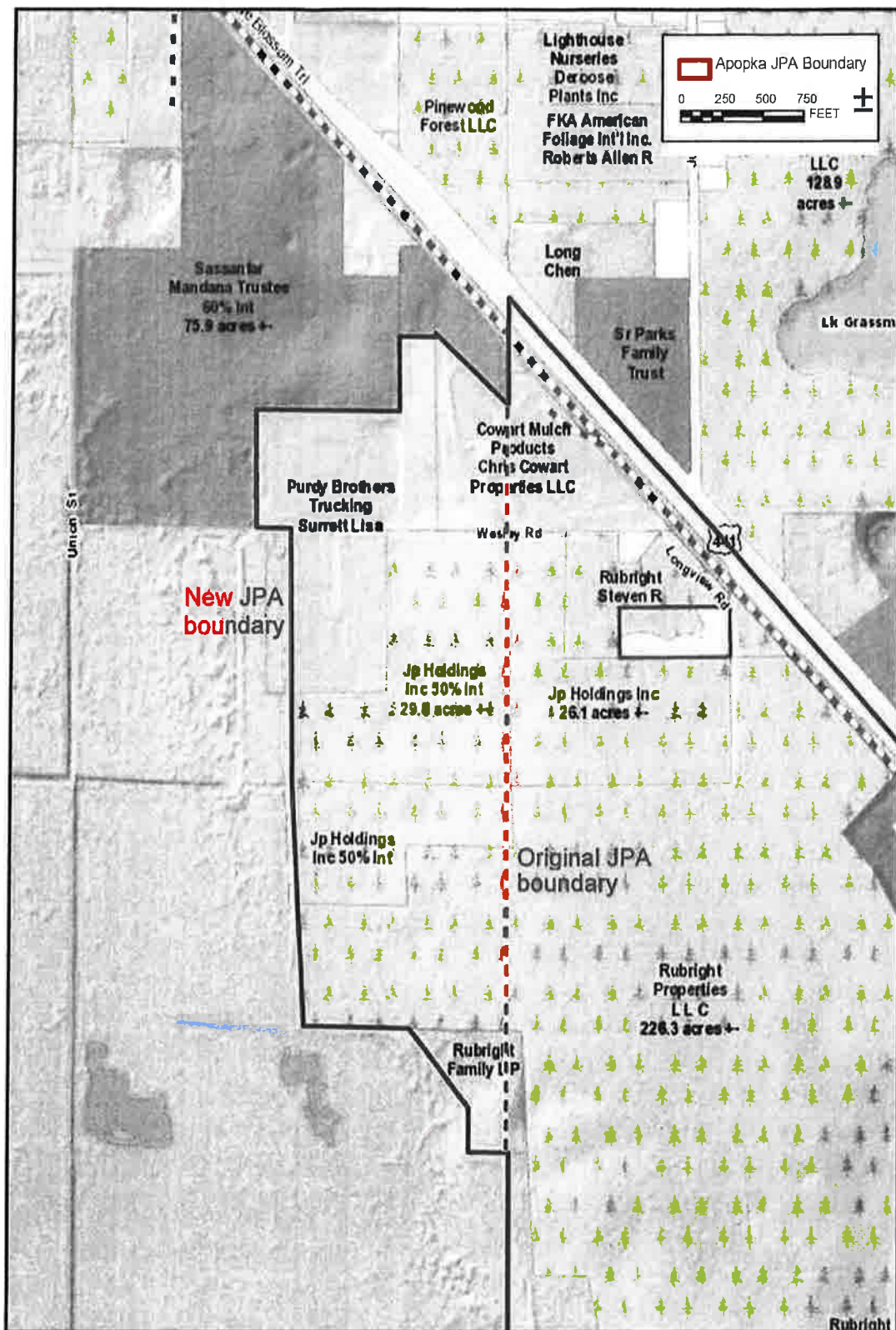
**CITY OF APOPKA**  
**By: City Council**

By:  \_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST: Linda F. Goff  
City Clerk

By:  \_\_\_\_\_  
Date: 3/7/2019

# **Attachment "1"** **Map Amendment Area**





Revised JPA per the 3<sup>rd</sup> Amendment