

BCC Mtg. Date: August 6, 2019

ORDINANCE NO. 2019-021
(Annexation Ordinance for RusTeak – 11077 Roberson Road)

TAX PARCEL ID: 31-22-28-0000-00-014

CASE NO. AX-04-19-81: RusTeak – 11077 Roberson Road

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA; ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF OCOEE, FLORIDA, CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY +/-2.88 ACRES, LOCATED ON THE NORTH SIDE OF ROBERSON ROAD, APPROXIMATELY 280 FEET WEST OF THE INTERSECTION OF MAGUIRE ROAD AND ROBERSON ROAD, PURSUANT TO THE APPLICATION SUBMITTED BY THE PROPERTY OWNER; 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 +/- 2.88 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 May 14, 2019, 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

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.

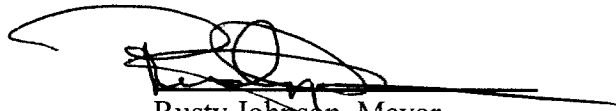
PASSED AND ADOPTED this 18th day of June, 2019.

APPROVED:

CITY OF OCOEE, FLORIDA

ATTEST:


Melanie Sibbitt, City Clerk


Rusty Johnson, Mayor

(SEAL)

ADVERTISED 6/6/19 AND 6/13/19
READ FIRST TIME June 4, 2019
READ SECOND TIME AND ADOPTED
June 18, 2019, UNDER AGENDA
ITEM NO. 17

FOR USE AND RELIANCE ONLY BY THE
CITY OF OCOEE, FLORIDA APPROVED
AS TO FORM AND LEGALITY THIS 18th
DAY OF
JUNE, 2019

SHUFFIELD, LOWMAN & WILSON, P.A.

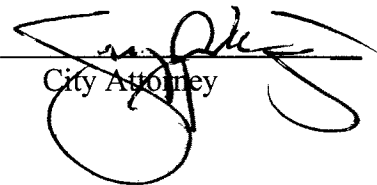
By: 
City Attorney

EXHIBIT "A"

Legal Description

DESCRIPTION:

SOUTH 660 FEET OF THE SE 1/4 OF THE NE 1/4 OF SECTION 31, TOWNSHIP 22 SOUTH, RANGE 28 EAST, LESS THE EAST 330 FEET THEREOF; LESS WEST 792 FEET THEREOF, SUBJECT TO RIGHT OF WAY OVER SOUTH 30 FEET.

CONTAINING 2.88 ACRES MORE OR LESS.

DESCRIPTION: (AS WRITTEN BY SURVEYOR)

THAT PORTION OF THE SOUTH 660.00 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 22 SOUTH, RANGE 28 EAST, LYING IN ORANGE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE RUN S89°25'59"W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, 330.00 FEET TO THE WEST LINE OF THE EAST 330.00 FEET OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE RUN N00°21'16"W ALONG SAID WEST LINE, 30.00 FEET TO THE NORTH RIGHT OF WAY LINE OF ROBERSON ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1396, PAGE 257, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA FOR THE POINT OF BEGINNING; THENCE RUN S89°25'59"W ALONG SAID NORTH RIGHT OF WAY LINE, 199.90 FEET TO THE EAST LINE OF THE WEST 792.00 FEET OF AFORESAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE RUN N00°14'19"W ALONG SAID EAST LINE, 630.01 FEET TO THE NORTH LINE OF THE SOUTH 660.00 FEET OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE RUN N89°25'59"E ALONG SAID NORTH LINE, 198.63 FEET TO THE AFORESAID WEST LINE OF THE EAST 330.00 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE RUN S00°21'16"E ALONG SAID WEST LINE, 630.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.882 ACRES MORE OR LESS.

EXHIBIT "B" LOCATION MAP

