

ORDINANCE NO. 2018-036

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF COCONUT CREEK OF APPROXIMATELY FIVE (5) ACRES OF LAND LOCATED AT 4425 NW 71 STREET AND OTHER SURROUNDING LAND, SAID LANDS LYING AND BEING SITUATE IN BROWARD COUNTY, FLORIDA, AND HAVING COMMON OWNERSHIP BY ALLEY FARMS LLC; BEARING PROPERTY ID NUMBERS 474232010260, 474232010250, AND 474232010251; PROVIDING FOR IMPLEMENTATION AND FILING WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 171.044, Florida Statutes provides a procedure for voluntary annexation; and

WHEREAS, Alley Farms LLC, a Florida Limited Liability Company, as the owner of parcels of land, has submitted a Petition for Voluntary Annexation, attached hereto and incorporated herein as Exhibit "A," which has been presented to the City Commission to annex said parcels of land into the City of Coconut Creek, said parcels further described in Section 2 below and is referred to as the "Land;" and

WHEREAS, the Broward County Legislative Delegation has established a goal of annexing all unincorporated areas of the County into a suitable municipality; and

WHEREAS, the City of Coconut Creek desires to annex certain property contiguous to the current boundaries of the City; and

WHEREAS, the City Commission has determined that the requirements of Section 171.044, Florida Statutes, pertaining to voluntary annexations, have been complied with in that:

- A. The Land is located in an unincorporated area of Broward County, is contiguous to the City of Coconut Creek, is reasonably compact, is not

included in the boundary of another municipality, and its annexation will not create an enclave;

- B. The Petition for Annexation, Exhibit "A," contains the signature of the owner of the Land through its authorized representative;
- C. Prior to the passage of this Ordinance, the Ordinance was advertised for two (2) consecutive weeks in a newspaper published in the City of Coconut Creek, County of Broward, as required by Section 171.044, Florida Statutes;
- D. The City provided a copy of the notice, via certified mail, to the Board of County Commissioners of Broward County as required by Section 171.044, Florida Statutes, attached hereto and incorporated herein as Exhibit "B;" and

WHEREAS, the City Commission finds that annexation of the Land is in the best interest of the City of Coconut Creek, will promote orderly planning, and the City of Coconut Creek is prepared to provide all necessary municipal services to the Land; and

WHEREAS, the City Commission, pursuant to the provisions of Section 171.044, Florida Statutes, desires to annex the Land and to redefine the boundary lines of the City of Coconut Creek to include such property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. All Exhibits attached hereto are incorporated herein and made a specific part of this Ordinance.

Section 2: That the City Commission, subject to the conditions provided herein, and in accordance with the Section 103 of the City's Charter, hereby extends the corporate boundaries of the City of Coconut Creek, Florida, by extending, enlarging and redefining the boundaries to include the following real property owned by Alley Farms LLC, legally described by metes and bounds below, and depicted on the map attached hereto and incorporated herein as Exhibit "C," with a legal description as follows:

A PORTION OF THE WEST ONE-HALF (W 1/2) OF TRACT 50, BLOCK 83, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 53, OF THE

PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID WEST ONE-HALF (W 1/2) OF TRACT 50; THENCE DUE NORTH ON THE EAST LINE OF SAID WEST ONE-HALF (W 1/2), OF TRACT 50, A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 89°30'40" WEST, ON A LINE 259.99 FEET NORTH OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES) TO THE SOUTH LINE OF SAID TRACT 50, A DISTANCE OF 200.01 FEET; THENCE DUE SOUTH ON A LINE 200.00 FEET WEST OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES) TO THE SAID EAST LINE OF THE WEST ONE-HALF (W 1/2) OF TRACT 50, A DISTANCE OF 260.00 FEET TO A POINT ON THE SOUTH LINE OF TRACT 50; THENCE NORTH 89°30'40" WEST, ON THE SAID SOUTH LINE OF TRACT 50, A DISTANCE OF 129.99 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 50; THENCE DUE NORTH ON THE SAID WEST LINE, A DISTANCE OF 425.50 FEET; THENCE SOUTH 89°30'40" EAST, A DISTANCE OF 207.63 FEET; THENCE SOUTH 00°26'21" EAST, A DISTANCE OF 37.56 FEET; THENCE SOUTH 89°30'40" EAST, A DISTANCE OF 122.09 FEET TO A POINT ON THE SAID EAST LINE OF THE WEST ONE-HALF (W 1/2) OF TRACT 50; THENCE DUE SOUTH ON SAID EAST LINE, A DISTANCE OF 137.95 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN INGRESS-EGRESS AND UTILITY EASEMENT OVER THE EAST 50.00 FEET OF THE ABOVE DESCRIBED LANDS.

TOGETHER WITH:

PARCEL 1:

A PORTION OF THE WEST ONE-HALF (W 1/2), OF TRACT 50, BLOCK 83, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID WEST ONE-HALF (W 1/2), OF TRACT 50; THENCE DUE NORTH ON THE EAST LINE OF SAID WEST ONE-HALF (WEST 1/2), OF TRACT 50, A DISTANCE OF 260.00 FEET; THENCE NORTH 89°30'40" WEST, ON A LINE 259.99 FEET NORTH OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES) TO THE SOUTH LINE OF SAID TRACT 50, A DISTANCE OF 200.01 FEET; THENCE DUE SOUTH ON A LINE 200.00 FEET WEST OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES) TO THE SAID EAST LINE OF THE WEST ONE-HALF (W 1/2), OF TRACT 50, A DISTANCE OF 260.00 FEET, TO A POINT ON THE SOUTH LINE OF SAID TRACT 50; THENCE SOUTH 89°30'40" EAST, ON SAID SOUTH LINE, A DISTANCE OF 200.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCELS 4 AND 5:

A PORTION OF THE WEST ONE-HALF (W 1/2), OF TRACT 50, BLOCK 83, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID WEST ONE-HALF (W 1/2), OF TRACT 50; THENCE DUE NORTH ON THE EAST LINE OF SAID WEST ONE-HALF (W 1/2), OF TRACT 50, A DISTANCE OF 397.95 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING DUE NORTH, ON SAID EAST LINE, A DISTANCE OF 262.05 FEET, TO A POINT ON THE NORTH LINE OF SAID TRACT 50; THENCE NORTH 89°30'40" WEST, ON THE NORTH LINE OF SAID TRACT 50, A DISTANCE OF 330.00 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 50; THENCE DUE SOUTH, ON THE WEST LINE OF SAID TRACT 50, A DISTANCE OF 224.50 FEET; THENCE SOUTH 89°30'40" EAST, A DISTANCE OF 207.63 FEET; THENCE SOUTH 00°26'21" EAST, A DISTANCE OF 37.56 FEET; THENCE SOUTH 89°30'40" EAST, A DISTANCE OF 122.09 FEET, TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN BROWARD COUNTY, FLORIDA.

Section 3: That the current land use and zoning remain unchanged by the Ordinance and shall be as provided in Section 171.062(2), Florida Statutes, until such time as the City of Coconut Creek adopts a Comprehensive Plan that includes the annexed property.

Section 4: That the annexed property shall be subject to all laws, ordinances, and regulations in force in the City and shall be entitled to the same privileges and benefits as other parts of the City upon the effective date of the annexation as provided in Section 171.062(1), Florida Statutes.

Section 5: That the City of Coconut Creek shall take all necessary actions before the Broward County Legislative Delegation to request a public hearing in compliance with Chapters 96-542 and 99-447, Laws of Florida, relating to annexation, and the annexation of the Land described herein into the corporate boundaries of the City of Coconut Creek is conditioned upon the approval of the Broward Legislative Delegation.

Section 6: That within seven (7) days after the adoption of this Ordinance, the City Clerk shall file a copy of it with the Clerk of the Circuit Court of Broward County, the County Administrator for Broward County, and the Department of State. And within seven (7) days after approval by the Broward Legislative Delegation, the City Clerk shall file a Notice of Delegation Approval with a copy of the approved Ordinance in the same manner.

Section 7: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8: Severability. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 9: Effective Date. That this Ordinance shall become effective immediately upon its passage on second and final reading, but the annexation provided herein shall become effective at 12:01 a.m. on September 15, 2019, following adjournment sine die of the next Legislative session; at such time the Land shall become a part of the City of Coconut Creek, to be governed by the City and subject to the laws and regulations of the City.

PASSED FIRST READING THIS 8TH DAY OF NOVEMBER, 2018.

PASSED SECOND READING THIS 13TH DAY OF DECEMBER, 2018.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>