

ORDINANCE NO. 2015-027

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, PROVIDING FOR THE ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF COCONUT CREEK OF APPROXIMATELY 5 ACRES OF PROPERTY LOCATED AT TRACT 42, BLOCK 83, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, NOW LYING AND SITUATE IN BROWARD COUNTY, FLORIDA; BEARING PROPERTY ID NUMBER 474232010180; 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, the owner of a parcel 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 the parcel of land into the City of Coconut Creek, which parcel is 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 signatures of all owners of the Land to be annexed into the City of Coconut Creek;
- 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 interests 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: That the foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2: That subject to the conditions provided herein, and in accordance with the Section 103 of the City's Charter, the corporate boundaries of the City of Coconut Creek, Florida, are hereby extended, enlarged and redefined to include the

following real property owned by MG Lehigh Acres Holding, LLC, legally described by metes and bounds and depicted on the map attached hereto and incorporated herein as Exhibit "C," with a legal description as follows:

TRACT 42, BLOCK 83, THE PALM BEACH FARMS CO. PLAT NO. 3,
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK
2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM
BEACH COUNTY, NOW LYING AND 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 Notion of Delegation Approval with a copy of the approved Ordinance in the same manner.

Section 7: Conflicts. 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. Should any provision of this Ordinance 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, 2016, following adjournment sine die of the next Legislative session; at such time the Land shall become a part of the City of Coconut Creek.

PASSED FIRST READING THIS 12th DAY OF September, 2015.

PASSED SECOND READING THIS 24th DAY OF September, 2015.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, MMC, City Clerk

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

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