

ORDINANCE NO. 2019-034

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, CONTRACTING THE CORPORATE LIMITS OF THE CITY OF COCONUT CREEK BY 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 PURSUANT TO THE PROPERTY OWNER'S PETITION FOR CONTRACTION UNDER SECTION 171.051, FLORIDA STATUTES; PROVIDING FOR IMPLEMENTATION AND FILING WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 171.051, Florida Statutes provides a procedure for contraction of municipal boundaries; and

WHEREAS, Alley Farms LLC, a Florida Limited Liability Company, as the sole owner of contiguous parcels of land bearing Broward County Property Appraiser identification numbers 474232010260, 474232010250, and 474232010251, hereinafter "Land," has submitted a Petition for Contraction, attached hereto and incorporated herein as Exhibit "1," desiring to be excluded from the municipal boundaries; and

WHEREAS, the City of Coconut Creek has undertaken a study of feasibility of such contraction and exclusion of the Land from its current municipal boundaries and has determined that it is appropriate as it fails to meet the criteria of Section 171.043, Florida Statutes; and

WHEREAS, the City Commission has determined that the requirements of Section 171.051, Florida Statutes, pertaining to contraction procedures, are met; and

WHEREAS, the City Commission finds that contraction 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 relinquish control and delivery of relevant municipal services to the Land back to Broward County; and

WHEREAS, the City Commission, pursuant to the provisions of Section 171.051, Florida Statutes, desires to contract the Land and to redefine the boundary lines of the City of Coconut Creek to exclude such property.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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. The exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

Section 2: That the Petition for Contraction, Exhibit “1,” contains the signature of the sole owner of the Land through its authorized representative.

Section 3: That 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 171.051, Florida Statutes.

Section 4: That the City Commission, subject to the conditions provided herein, and in accordance with the Section 103 of the City’s Charter, hereby excludes from the corporate boundaries of the City of Coconut Creek, Florida, by redefining the boundaries to exclude the following real property solely owned by Alley Farms LLC, legally described by metes and bounds below, and depicted on the map attached hereto and incorporated herein as Exhibit “2,” 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 5: That the current land use and zoning shall be as provided in Section 171.062(2), Florida Statutes.

Section 6: That the contracted property shall be subject to all laws, ordinances, and regulations in force as applicable to all unincorporated Broward County land as of the passage of this ordinance.

Section 7: That within seven (7) days after the passage 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.

Section 8: 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. Specifically, this ordinance repeals and formally rescinds the actions taken pursuant to City of Coconut Creek Ordinance Number 2018-036.

Section 9: 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 10: Effective Date. That this ordinance shall become effective immediately upon its passage on second and final reading, at such time the Land shall be excluded from the corporate boundaries of the City of Coconut Creek, Broward County, Florida.

PASSED FIRST READING THIS 12TH DAY OF SEPTEMBER, 2019.

PASSED SECOND READING THIS 10TH DAY OF OCTOBER, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

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

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ORDINANCE.docx
EML
8/26/19