

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 36.73 ACRES LOCATED ON THE NORTH SIDE OF U.S. 192, WEST OF INTERSTATE 95 AND EAST OF THE ST. JOHNS HERITAGE PARKWAY, AS MORE FULLY DESCRIBED HEREIN; FINDING THAT THE AREA BEING ANNEXED IS REASONABLY COMPACT AND CONTIGUOUS TO THE CITY, THAT THE ANNEXATION OF THE PROPERTY DOES NOT CREATE AN ENCLAVE, AND THAT THE ANNEXATION OF THE PROPERTY OTHERWISE COMPLIES WITH FLORIDA LAW; AMENDING THE CORPORATE BOUNDARIES OF THE CITY TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE REVISED CITY BOUNDARIES WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of the property described hereinafter have petitioned the City pursuant to F.S. 171.044 for voluntary annexation of said property into the City; and,

WHEREAS, the City Council hereby finds that the property described hereinafter is reasonably compact and contiguous to the corporate limits of the City, and it is further determined that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of F.S. 171.044 and state law; and

WHEREAS, the City Council hereby finds that the City is able to provide municipal services to the property described herein, and that it is desirable and in the best interest of the City to accept the petition for annexation, and to annex said property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

Section 1. Findings. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated as findings of the City Council and the legislative intent of this ordinance.

Section 2. Annexation of Real Property and Amendment of Corporate Boundaries. The following properties located on the north side of U.S. 192, west of Interstate 95 and east of the St. Johns Heritage Parkway, West Melbourne, Florida

32904 and assigned Parcel Identification Numbers 28-36-03-00-250, 28-36-03-00-254, 28-36-03-00-256 and 28-36-03-00-262 by the Property Appraiser of Brevard County and totaling approximately 36.73+/- acres as described below, shall hereby be annexed to and incorporated within the City of West Melbourne, Brevard County, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes:

Parcel 1:

The West one-half of Lot 28, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION of Section 3, Township 28 South, Range 36 East, as recorded on Plat Book 2, Page 80, of the Public Records of Brevard County, Florida, LESS Road Right of Way of Record.

And

The Westerly 50 feet of Lot 21, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION of Section 3, Township 28 South, Range 36 East, as recorded in Plat Book 2, Page 80, of the Public Records of Brevard County, Florida, LESS Road Right of Way of Record.

Parcel 2:

A parcel of land lying in the Northwest 1/4 of Section 3, Township 28 South, Range 36 East, Lots 26 and 27, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 80, of the Public Records of Brevard County, Florida, described as follows: Commence at the Southwest corner of the Northwest 1/4 of said Section 3, Township 28 South, Range 36 East; thence North 0 degrees 12'58" West along West line of Northwest 1/4 of said Section 3, a distance of 1,511.80 feet; thence North 89 degrees 25'30" East, 1,368.76 feet to the POINT OF BEGINNING: thence North 0 degrees 12'58" West, 782.20 feet to North line of Section 3; thence North 89 degrees 25'30" East along said North line 611.01 feet; thence South 0 degrees 11'33" East along the East line of said Lot 27, 1,150.18 feet to Southeast corner of Lot 27; thence South 89 degrees 31'01" West along the South line of said Lot 27 119.92 feet; thence North 0 degrees 34'30" West 367.76 feet; thence South 89 degrees 25'30" West 488.31 feet to the POINT OF BEGINNING.

Less North 20 feet for Road Right of Way and Haul Road as recorded in Official Records Book 660, Page 98 of the Public Records of Brevard County, Florida.

Together with a 25 foot ingress and egress easement for Tract 5: Commence at the Southwest corner of Northwest 1/4, Section 3, Township 28 South, Range 36 East; thence North 0 degrees 12'58" West 68 feet to North right of way of State Road 192; thence South 89 degrees 36'32" West along said Right of Way 189.93 feet for POINT OF BEGINNING; thence North 0 degrees 12'58" West 1,078.79 feet; thence South 89 degrees 31'28" West 189.93 feet; thence North 0 degrees 12'58" West 1,126.49 feet to a point 20 feet South of North line of Section 4, Township 28 South, Range 36

East; thence North 89 degrees 27'28" East along said North line 379.86 feet to West line of Northwest 1/4 of Section 3, Township 28 South, Range 36 East; thence North 89 degrees 29'30" East and 20 feet South of North line Section 3, Township 28 South, Range 36 East, a distance of 1,368.76 feet to west line of Tract 5; thence South 0 degrees 12'58" East along said West 25 feet; thence South 89 degrees 25'30" West 1,368.76 feet to West line of Northwest 1/4 Section 3, Township 28 South, Range 36 East; thence South 89 degrees 27'28" West, 354.86 feet; thence South 0 degrees 12'58" East 1,076.52 feet; thence North 89 degrees 31'28" East 189.93 feet; thence South 0 degrees 12'58" East, 1,103.83 feet to the North right of way of State Road 192; thence South 89 degrees 26'32" West along said Right of Way 25 feet to POINT OF BEGINNING.

LESS and EXCEPT that portion described in the Order of Taking recorded in Official Records Book 8184, Page 1303, of the Public Records of Brevard County, Florida.

The East 1/2 of Lot 28, of Florida Indian River Land company Subdivision, Section 3, Township 28 South, Range 36 East, according to the map or plat thereof as recorded in Plat Book 2, Page 80, Public Records of Brevard County, Florida, also known as the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 28 South, Range 36 East, Brevard County, Florida, LESS the Westerly 50 feet thereof.

Lot 21, LESS the Westerly 50 feet thereof, of Florida Indian River Land Company Subdivision, Section 3, Township 28 South, Range 36 East, according to the map or plat thereof as recorded in Plat Book 2, Page 80, Public Records of Brevard County, Florida, also known as the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 3, Township 28 South, Range 36 East, Brevard County, Florida, LESS the Westerly 50 feet thereof.

A map showing the location of said property is attached as Exhibit "A" to this Ordinance, which is incorporated by reference as if fully set forth herein. Such land shall immediately become subject to the jurisdiction and powers of the City of West Melbourne, Florida. The corporate boundaries of the City of West Melbourne are hereby revised to include the land described herein.

Section 3. Utilities Notification. The City Clerk is hereby directed to notify all utility companies servicing this property of this annexation.

Section 4. County Notification. The City Clerk is hereby directed to provide a copy of the notice of annexation, via certified mail, to the Brevard County Board of County Commissioners at least 10 days prior to the time of publishing said notice as provided for in Florida Statutes, Section 171.044(6).

Section 5. Department of State Notification. The City Clerk is hereby directed to file, via certified mail, a certified copy of this Ordinance with the Department of State of the State of Florida, the Brevard County Clerk of the Circuit Court for

recording and the Brevard County Chief Administrative Officer, within seven (7) days after the adoption of this Ordinance, as provided for in Florida Statutes, Section 171.044(3). Any change in the municipal boundaries shall be filed with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area, as provided for in Florida Statutes, Section 171.091.

Section 6. Repeal. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 7. Severability. That the provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 8. Non-codification. The provisions of this ordinance shall not be codified and incorporated within the Code of Ordinances of the City of West Melbourne, Florida, but the annexed property shall be incorporated and included in all appropriate maps of the City limits of the City of West Melbourne.

Section 9. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council on second reading.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 15th day of June 2021.

1ST READING: May 4, 2021
2nd READING: June 15, 2021

Exhibit "A"

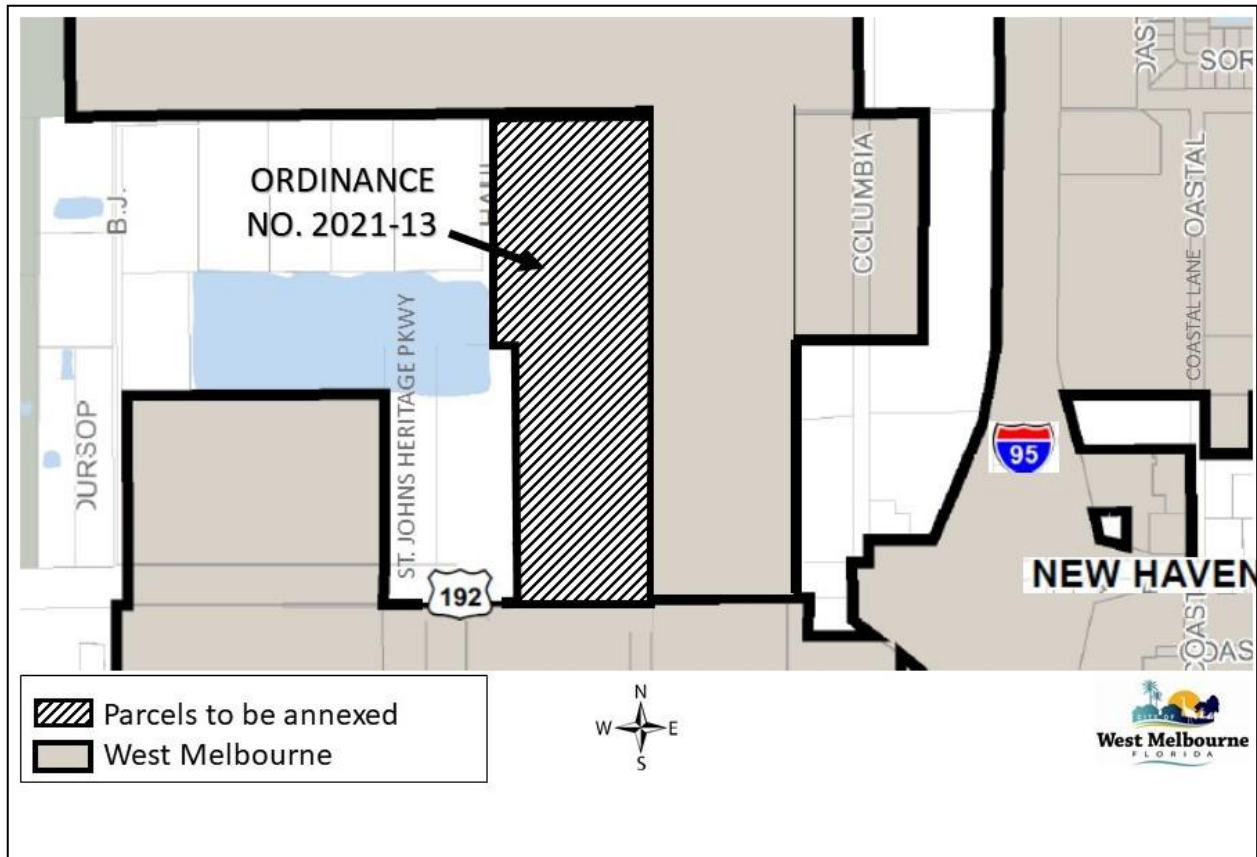


Image showing City limits and parcel to be annexed.

Disclaimer: This map is representational only and is not a survey nor a map created on a Geographic Information System. Depicted property lines are approximate. Refer to the legal description for the exact property area.