

## ORDINANCE NO. 2021-14

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO PROVIDE FOR PI (PARKWAY INTERCHANGE) LAND USE FOR A 36.73 ACRE PARCEL GENERALLY LOCATED WEST OF INTERSTATE 95, NORTH OF US 192, AND EAST OF ST. JOHNS HERITAGE PARKWAY, AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; EXTENDING THE GOALS, OBJECTIVES, AND POLICIES AND OTHER LAND USE PLANNING REQUIREMENTS TO THE PROPERTY; AND, PROVIDING AN EFFECTIVE DATE.

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

### **Section 1.**

Large Scale Comprehensive Plan Amendment Number 3 in 2021 (LSA-2021-03) is hereby adopted.

### **Section 2.**

The Future Land Use Map of the Comprehensive Plan of the City is hereby amended to provide for PI (Parkway Interchange) land use on the property more particularly described as follows:

*A 36.73 acre portion of Parcel Identification Numbers 28-36-03-00-250, 28-36-03-00-254, 28-36-03-00-256 and 28-36-03-00-262.*

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.

**Section 3.**

The Comprehensive Plan of the City is hereby amended to establish a proper and appropriate future land use for the property described in Section 2 of this ordinance.

**Section 4.**

The City's goals, objectives, and other land use planning requirements set forth in the Comprehensive Plan are hereby extended to and imposed upon the property described in Section 2 of this Ordinance.

**Section 5.**

The Planning Director is hereby authorized and directed to cause the provisions of Sections 2 through 4 of this Ordinance to be incorporated into and made part of the City's Comprehensive Plan.

**Section 6.**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 17th day of August, 2021.

1<sup>ST</sup> READING: June 15, 2021

2<sup>ND</sup> READING: August 17, 2021

Effective Date: August 17, 2021