

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 44.72 ACRES LOCATED ON THE SOUTH 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 south 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 28-36-03-00-751, 28-36-03-00-760, and 28-36-03-00-762 by the Property Appraiser of Brevard County and totaling approximately 44.72 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:

LEGAL DESCRIPTION: (BY SURVEYOR)

A PORTION OF LOTS 2, 3, 14 AND 15, INDIAN RIVER LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SAID LANDS LYING IN THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, SAID BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT D, SPACE COAST TOWN CENTRE EAST-PHASE I, RECORDED IN PLAT BOOK 68, PAGE 50, SAID PUBLIC RECORDS; THENCE N89°37'47"E ALONG THE SOUTH LINE OF SAID TRACT D, A DISTANCE OF 550.00 FEET; THENCE N00°12'58"W ALONG THE EAST LINE OF SAID TRACT D, A DISTANCE OF 308.79 FEET TO THE WEST RIGHT-OF-WAY LINE OF BRANDYWINE LANE (A 60.00 WIDE LIMITED ACCESS RIGHT-OF-WAY) PER FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT-OF-WAY MAP SECTION 70220-2403 THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING SEVEN (7) COURSES: S53°55'19"E, A DISTANCE OF 107.68 FEET; THENCE S43°37'58"E, A DISTANCE OF 197.48 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 542.96 FEET, A CENTRAL ANGLE OF 20°00'00" AND A RADIAL BEARING OF S56°56'00"W; THENCE SOUTHERLY FOR AN ARC DISTANCE OF 189.53 FEET TO THE END OF SAID CURVE; THENCE S13°04'00"E, A DISTANCE OF 356.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1115.92 FEET, A CENTRAL ANGLE OF 6°46'26"; THENCE SOUTHERLY FOR AN ARC DISTANCE OF 131.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S06°17'34"E, A DISTANCE OF 203.36 FEET TO THE POINT OF CURVATURE A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 3335.36 FEET, A CENTRAL ANGLE OF 19°53'38" AND A RADIAL BEARING OF N83°21'32"E; THENCE SOUTHERLY FOR AN ARC DISTANCE OF 1158.08 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL 84 (A 96.00 FOOT WIDE DRAINAGE RIGHT-OF-WAY) THENCE S89°35'02"W ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 1293.14 FEET TO THE SOUTHEAST CORNER OF SAID SPACE COAST TOWN CENTRE EAST-PHASE I, THENCE N00°12'58"W ALONG THE EAST LINE OF SAID SPACE COAST TOWN CENTRE EAST-PHASE I A DISTANCE OF 1860.60 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LANDS.

SAID LANDS CONTAINING 44.72 ACRES OF LAND MORE OR LESS.

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 2nd day of March 2021.

1ST READING: December 15, 2020
2nd READING: March 2, 2021

Exhibit "A"

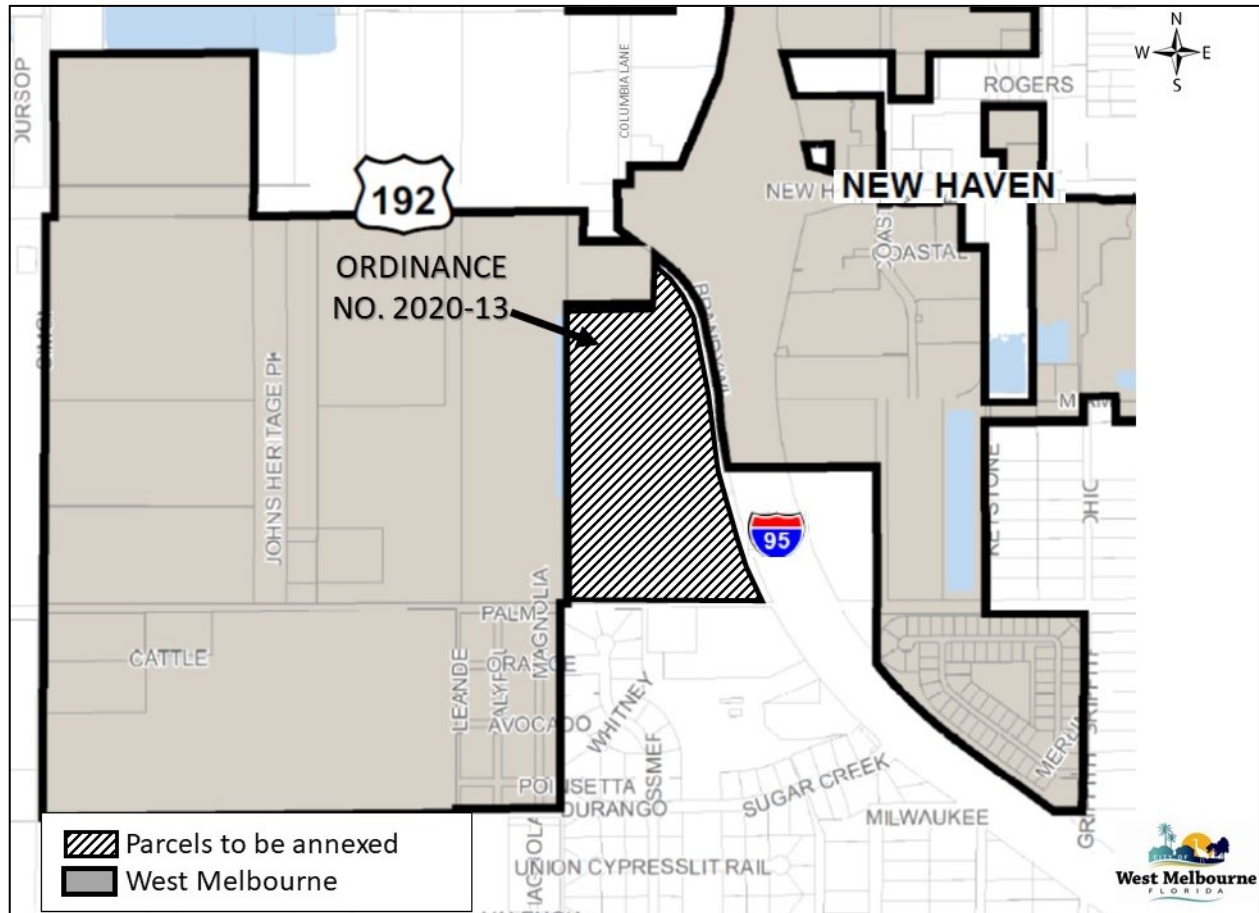


Image showing City limits and parcel to be annexed.

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.