

## ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND TOTALING APPROXIMATELY 34.52 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 28-36-03-00-03 and 28-36-03-00-4 by the Property Appraiser of Brevard County and totaling approximately 34.52 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:

LOT 29, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. TOGETHER WITH THE NORTH 25.00 FEET OF A PORTION OF LOT 19, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 19 AND RUN N89°31'01"E ALONG THE NORTH LINE OF SAID LOT 19 A DISTANCE OF 316.24 FEET TO THE WESTERLY RIGHT OF WAY OF COLUMBIA LANE (AN 80 FOOT RIGHT OF WAY); THENCE S00°02'55"E ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 25.00 FEET; THENCE S89°31'01"W A DISTANCE OF 316.24 FEET TO THE WEST LINE OF SAID LOT 19; THENCE N00°10'40"W ALONG THE WEST LINE OF LOT 19, 25.00 FEET TO THE POINT OF BEGINNING; TOGETHER WITH AN EASEMENT FOR INGRESS/EGRESS BEING THE NORTH 50.00 FEET OF EAST 50.00 FEET OF LOT 20, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND ALSO BEING SUBJECT TO A 25 FOOT DRAINAGE EASEMENT OVER THE WEST 25 FEET OF LOT 29 AND ALSO BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 25 FEET OF THE EAST 100 FEET OF SAID LOT 29.

Property on 192

THE WEST ½ OF SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 3, TOWNSHIP 28, RANGE 36, EXCEPT ROAD RIGHTS OF WAY AND PART OF DEED TO THE D.O.T. AS RECORDED IN OFFICIAL RECORDS BOOK 586, PAGE 644, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

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 6th day of April 2021.

1<sup>ST</sup> READING: January 19, 2021

2<sup>nd</sup> READING: April 6, 2021

### Exhibit "A"

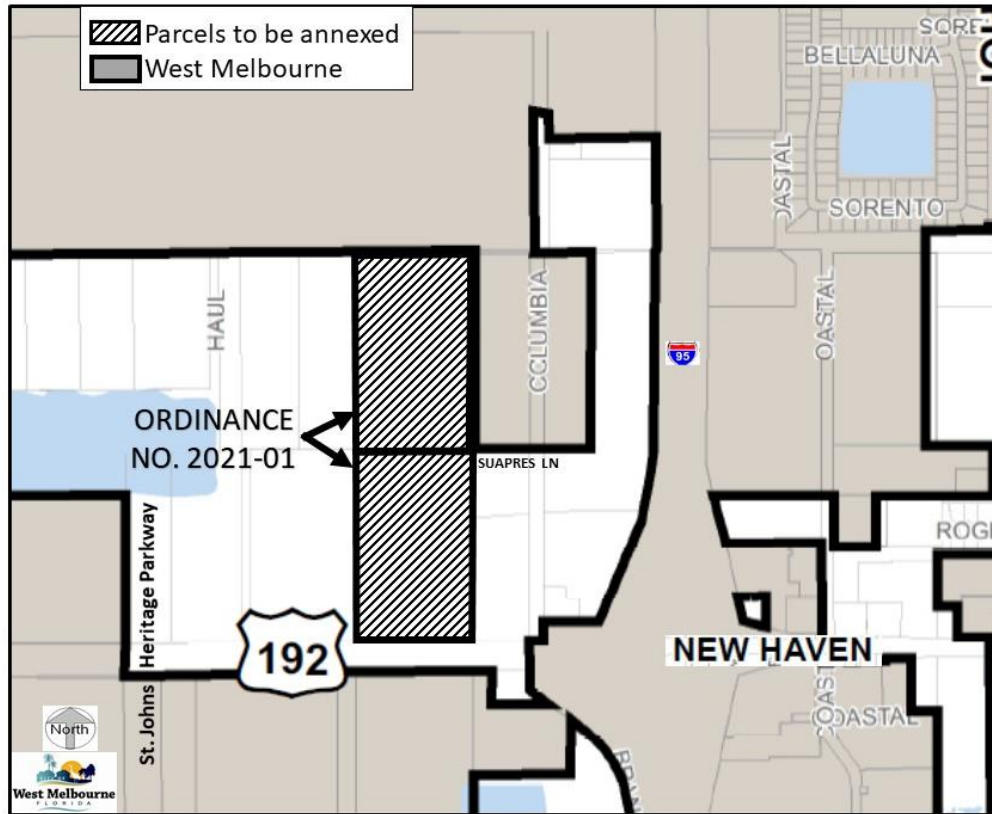


Image showing City limits and parcel to be annexed.

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.