

**ORDINANCE NO. 2016-18**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ANNEXING ONE PARCEL OF LAND TOTALING APPROXIMATELY 0.895 ACRES, LOCATED AT THE NORTHEAST CORNER OF LAKE WORTH ROAD AND SCOTT ROAD AT 6239 LAKE WORTH ROAD, AS REQUESTED BY THE PETITIONER, FERNANDO PRIETO, AGENT FOR THE OWNER, SOMA LAKE WORTH INVESTOR, LLC; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE CITY OF GREENACRES TO INCLUDE THE SUBJECT PROPERTY IN THE CITY'S OFFICIAL BOUNDARY MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Fernando Prieto, agent for the owner, Soma Lake Worth Investor, LLC, is herein known as the "Petitioner" for the herein described property; and

**WHEREAS**, the petitioner has requested by written petition to have the property voluntarily annexed into the municipal limits of the City of Greenacres; and

**WHEREAS**, the subject property hereinafter described is reasonably compact and contiguous to the corporate limits of the City of Greenacres, thus making said petition for annexation appropriate at this time; and

**WHEREAS**, the City of Greenacres has heretofore been authorized to annex lands in accordance with Section 171.044 of the Florida Statutes; and

**WHEREAS**, the City of Greenacres Planning Commission has held a duly advertised public hearing on July 20, 2016 and recommended approval of petition ANX-16-01 to annex the subject property into the City of Greenacres; and

**WHEREAS**, the City Council of the City of Greenacres further finds that, in accordance with the Land Development Staff Report and Recommendation dated July 15, 2016, attached hereto as Exhibit "A" and by this reference made a part hereof, the

proposed annexation of the subject property is in the best interest of the citizens of the City of Greenacres, and is in accordance with State and local law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1.** The City Council finds that the written petition for voluntary annexation filed with the City bears the signature of the owners of the real property and is hereby annexed into the City of Greenacres, Florida.

**Section 2.** The boundary lines of Greenacres, Florida, are hereby redefined to include the described real property lying in Palm Beach County into the City's Boundary Map:

**Legal Description**

**PCN: 00-42-44-22-00-000-5080**

Beginning at the southwest corner of the west half of the southwest quarter of the southeast quarter of the southeast quarter of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida; thence run northerly 80 feet more or less to a point on the northern right of way line of Lake Worth Road, the Point of Beginning; thence easterly along the right of way of Lake Worth Road a distance of 100 feet; thence northerly, a distance of 400 feet; thence westerly, a distance of 100 feet; thence southerly, a distance of 400 feet to the Point of Beginning. LESS that portion of above described land lying south of the north right of way line of Lake Worth Road as shown on the right of way map of Lake Worth Road

in Road Plat Book 5, at pages 125 through 138, inclusive and as conveyed in O.R. Book 5082, Page 500 of the public records of Palm Beach County, Florida.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 0.895 ACRES MORE OR LESS.

The above described parcel is subject to road right-of-ways, easements and reservations of record.

The above described real property is hereby annexed by and declared to be within the corporate limits of the City of Greenacres, Florida.

**Section 3.** That the above described real property shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances and laws to which lands in the City of Greenacres are now or may be subjected to and persons residing thereon shall be deemed citizens of the City of Greenacres.

**Section 4.** The annexation of the subject property, including adjacent roads, alleys, or the like, if any, shall not be deemed accepted by the City of any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

**Section 5.** The City Manager is hereby directed to do all things necessary to effectuate this annexation.

**Section 6.** The City Clerk is hereby directed to file a copy of this Ordinance with the Clerk of the Circuit Court, Palm Beach County and with the Department of State.

**Section 7. Repeal of Conflicting Ordinances.**

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 8. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 9. Effective Date.**

The provisions of this Ordinance shall become effective upon its adoption.

Passed on the first reading this 1<sup>st</sup> day of August, 2016.

PASSED AND ADOPTED on the second reading this 15<sup>th</sup> day of August,  
2016.

Voted

\_\_\_\_\_  
Samuel J. Ferreri  
Mayor

\_\_\_\_\_  
( )  
Jonathan G. Pearce  
Deputy Mayor

Attest:

\_\_\_\_\_  
Denise McGrew  
City Clerk

\_\_\_\_\_  
( )  
Lisa Rivera  
Councilwoman, District I

\_\_\_\_\_  
( )  
Peter Noble  
Councilman, District II

\_\_\_\_\_  
( )  
Judith Dugo  
Councilwoman, District III

\_\_\_\_\_  
( )  
Paula Bousquet  
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

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James D. Stokes  
City Attorney