

ORDINANCE NO. 2016-22

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ANNEXING FIVE PARCELS OF LAND TOTALING APPROXIMATELY 10.773 ACRES, LOCATED AT THE SOUTHWEST CORNER OF LAKE WORTH ROAD AND SOUTH MILITARY TRAIL AT 4558 AND 4562 LAKE WORTH ROAD AND 4065, 4101 AND 4215 SOUTH MILITARY TRAIL, AS REQUESTED BY THE PLANNING AND ENGINEERING DEPARTMENT IN ACCORDANCE WITH CHAPTER 171.0413 OF THE FLORIDA STATUTES; 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, the City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described properties; and

WHEREAS, the petitioner has requested by written petition to have the property 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, written consent has been received from the owners of more than 50 percent of the land area and more than 50 percent of the parcels in the proposed annexation area; and

WHEREAS, an Urban Services Report has been prepared in accordance with Chapter 171.042 detailing the City's plans to provide urban services to the proposed annexation area and certifying that the area meets the requirements of Chapter 171.043; and

WHEREAS, information has been received from the Office of the Palm Beach County Supervisor of Elections that there are no registered electors residing within the proposed annexation area; and

WHEREAS, as provided in Chapter 171.0413(6), the City Council of the City of Greenacres does not desire to hold a referendum pursuant to Chapter 171.0413(2); and

WHEREAS, based on the above the City of Greenacres is authorized to annex the subject lands in accordance with Chapter 171.0413(5) and (6) of the Florida Statutes; and

WHEREAS, the City of Greenacres Planning Commission has held a duly advertised public hearing on August 3, 2016 and recommended approval of petition ANX-16-02 to annex the subject property into the City of Greenacres; and

WHEREAS, the City of Greenacres City Council has held duly advertised public hearings on August 15, 2016 and September 8, 2016; 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 29, 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 consent has been received from the owners of the majority of the land area and parcels within the area to be annexed, that all other statutory requirements have been met, and that the area 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's: 00-42-44-25-00-000-3050 and 00-42-44-25-00-000-3021

That certain piece, parcel or tract of land, situate, lying and being in the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the North Quarter corner of said Section 25 and run South along the centerline of Military Trail 63.01 feet to a point; thence West parallel to the North line of said Section 25, 190.0 feet to the Point of Beginning; thence South parallel to the centerline of Military Trail, a distance of 174.99 feet to a point; thence East parallel to the North line of said Section 25, 150 feet to a point on the West right-of-way of said Military Trail; thence South along said right-of-way, a distance of 15.0 feet to a point; thence West along a line parallel to the North line of said Section 25, a distance of 240.0 feet to a point; thence South parallel to said centerline of Military Trail, a distance of 213.66 feet more or less, to a point 200 feet North of the South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the said Northwest Quarter (NW 1/4); thence East along a line parallel to the South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the said Northwest Quarter (NW 1/4) of Section 25, a distance of 240.0 feet to a point on the said west right-of-way of Military Trail; thence South along said right-of-way, a distance of 20.0 feet to a point; thence West along a line parallel to the said South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, a distance of 200.0 feet to a point; thence South along a line parallel to said centerline of Military Trail, a distance of

180.0 feet, more or less to a point on the South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 25; thence West along said South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest (NW 1/4) of Section 25, a distance of 426.71 feet to the Southwest corner of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25; thence North along the West line of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, a distance of 605.65 feet to a point on a line 63.01 feet South of and parallel to the North line of said Section 25, also being the South right-of-way line of Lake Worth Road; thence East along the right-of-way of Lake Worth Road, a distance 476.45 feet to the Point of Beginning.

Less that portion of the above described parcel lying North of the proposed South right-of-way line of Lake Worth Road (State Road 802) as shown on right-of-way map recorded in Road Plat Book 5, Pages 126 to 138, inclusive, Public Records of Palm Beach County, Florida

And also less a parcel of land in the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 25; thence running South, along the West line of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, a distance of 63.01 feet; thence running East, parallel to the North line of said

Section 25, a distance of 21.0 feet to the Point of Beginning; thence continuing East, along the extension of the previous course; a distance of 68.01 feet; thence running South, parallel to the West Line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter of Section 25, a distance of 99.93 feet; thence running West, perpendicular to the previous course, a distance of 68.0 feet; thence running North, perpendicular to the previous course, a distance of 101.10 feet to the Point of Beginning.

And less that portion conveyed to Palm Beach County in Official Record Book 5887 at Page 1971 more particularly described as follows:

A portion of the Northeast 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Parcel 249 A

Commence at the North one-quarter corner of said Section 25; thence South 01°31'00" West along the North-South one-quarter Section line, a distance of 237.34 feet; thence North 88°29'00" West as measured at right angles to said North-South one-quarter section line, a distance of 40.00 feet to a point on the existing westerly right-of-way line of Military Trail as recorded in Deed Book 889, Page 506, Public Records of Palm Beach County, Florida; said point also being the Point of Beginning; thence South 01°31'00" West, along said existing westerly right-of-way line of Military Trail, a distance of 15.00 feet; thence North 87°29'30" West departing said right-of-way line, a distance of 27.00 feet; thence North 01°31'00" East parallel with and 27.00 feet West of said existing westerly right-of-way line of Military Trail, a distance of 15.00 feet; thence South 87°29'30" East, a distance of

27.00 feet to the Point of Beginning.

Parcel 249 B

Commence at the North one-quarter corner of said Section 25; thence South 01°31'00" West along the North-South one-quarter section line, a distance of 469.16 feet; thence North 88°29'00" West as measured at right angles to said North-South one-quarter section line, a distance of 40.00 feet to point on the existing westerly right-of way line of Military Trail, as recorded in Deed Book 889, Page 506, Public Records of Palm Beach County, Florida, said point also being the Point of Beginning; thence south 01°31'00" West along said existing westerly right-of-way line of Military Trail, a distance of 20.00 feet; thence North 87°23'49" West departing said existing westerly right-of-way line, a distance of 27.00 feet; thence North 01°31'00" East parallel with and 27.00 feet West of said existing westerly right-of-way line of Military Trail, a distance of 20.00 feet; thence South 87°23'49" East, a distance of 27.00 feet to the Point of Beginning.

PCN: 00-42-44-25-00-000-3070

The West 200 feet of the East 240 feet of the North 233.66 feet of the South 413.66 feet of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, less the East 27 feet thereof, Palm Beach County, Florida.

And the North 213.66 feet of the South 413.66 feet of the West 40 feet of the East 280 feet of the Northeast 1/4 of the of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach, Florida.

Less the North 20 feet of the South 200 feet of the West 200 feet of the East 240 feet of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3040

The South 180 feet of West 200 feet of the East 240 feet of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, less the East 27 feet for State Road 809 right-of-way.

PCN: 00-42-44-25-45-001-0000

The West 293.38 feet of the East 333.38 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NE 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less: The East 27.00 Feet thereof for additional right-of-way for Military Trail, as dedicated by warranty deed recorded in Official Record Book 6021, Page 1258, of the Public Records of Palm Beach County, Florida.

Also Less: The South 60.00 feet thereof for right-of-way for Landar Drive as shown and dedicated to the Public on the Plat of Countryside Townhomes Plat No. 1, according to the Plat thereof, as recorded in Plat Book 36, Pages 145 and 146, of the Public Records of Palm Beach County, Florida.

Further Less: The North 70.00 feet thereof for right-of-way for Lake Worth Drainage District Lateral Canal 12.

And Further Less: Corner Clip "A" and Corner Clip "B" conveyed to Palm Beach County by warranty deed recorded in Official Record Book 22398, Page 1295, of the Public Records of Palm Beach County, Florida.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 10.733 ACRES MORE OR LESS.

The above described parcels are 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 properties, 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 15th day of August, 2016.

PASSED AND ADOPTED on the second reading this ____ day of
_____, 2016.

Voted

Samuel J. Ferreri
Mayor

Jonathan G. Pearce
Deputy Mayor

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Attest:

Denise McGrew
City Clerk

Lisa Rivera
Councilwoman, District I

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Peter Noble
Councilman, District II

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Judith Dugo
Councilwoman, District III

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Paula Bousquet
Councilwoman, District V

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Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney