

**ORDINANCE 08- 12**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO ANNEXATION; MAKING CERTAIN FINDINGS; PROPOSING TO ANNEX THAT CERTAIN PROPERTY CONSISTING OF ELEVEN PARCELS IMMEDIATELY WEST OF MATCHETT ROAD BETWEEN PERKINS ROAD TO THE SOUTH AND SWANN AVENUE TO THE NORTH, TOGETHER WITH FIVE PARCELS SOUTH OF PERKINS ROAD APPROXIMATELY MID-WAY BETWEEN HARVEY STREET TO THE WEST AND MATCHETT ROAD TO EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Belle Isle, in the interest of promoting the public health, safety, welfare, and aesthetics of the residents and property owners of the City of Belle Isle, deems it to be consistent with the law of the State of Florida to annex that certain area of land as described herein (“area to be annexed;”) and

**WHEREAS**, the area to be annexed is legally described by metes and bounds; and

**WHEREAS**, the 2008 Matchett Road West Annexation Report (hereinafter referred to as “Annexation Report”)for the area to be annexed has been filed with the Orange County Board of County Commissioners pursuant to Section 171.042 (2) Florida Statutes; and

**WHEREAS**, the Annexation Report has been determined to satisfy the requirements of Chapter 171, Florida Statutes; and

**WHEREAS**, the notices of the proposed annexation have been mailed to each person who resides or owns property within the area to be annexed as required by Section 171.042(3); and

**WHEREAS**, the City Council of the City of Belle Isle, Florida, finds that the area to be annexed is reasonably compact and contiguous to the City of Belle Isle, and this annexation does not create any enclaves, pockets, or finger areas in serpentine patterns, as required by law; and

**WHEREAS**, the area to be annexed consists of a single area that is wholly located within Orange County, Florida; and

**WHEREAS**, the area to be annexed satisfies the City of Belle Isle’s annexation criteria; and

**WHEREAS**, pursuant to Section 171.0413, Florida Statutes, a general referendum is not required to be held to effectuate the annexation of the area to be annexed;

*WHEREAS, there are no registered electors residing in the area to be annexed; and*

*OR*

*WHEREAS, more that 70 percent of the land in the area to be annexed is owned by individuals, corporations, or other legal entities which are not registered electors in the area; and*

***WHEREAS, the owners of more than 50% of the land in the area to be annexed [ and the owners of more than 50% of the parcels in the area to be annexed ] have consented to the annexation; and***

**NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Belle Isle, Florida:

**SECTION 1: Area to be Annexed.** The property as shown on the map attached hereto as Exhibit "A" and incorporated to this Ordinance by reference and more completely described as follows is hereby annexed into the City of Belle Isle, Florida, to wit:

Commence at the intersection of the East boundary of Matchett Road with the North boundary of Perkins Road; thence run South to the Southern boundary of Perkins Road; thence run Westerly along the South boundary of Perkins Road a distance of 190 feet, more or less, to the NE boundary of the lands described in that certain Deed from J. Daniel Jones and Claryce F. Jones, his wife, to J. Daniel Jones and Claryce F. Jones, Co-Trustees of the J. Daniel Jones Trust dated August 28, 2002 which Deed is recorded at Official Records Book 6613, Page 4024 of the Public Records of Orange County, Florida; thence run South 4°33' East along the East boundary of the lands described in said Deed a distance of 290 feet; thence run West a distance of 180 feet to the SW corner of the lands described in the Deed from Shawn Hewitt to Kelly Hewitt dated May 17, 2007 and recorded at Official Records Book 9289, Page 3967 of the Public Records of Orange County, Florida; thence run North 4°20'14" West a distance of 152 feet, more or less, to the SE corner of the lands described in the Deed from James Lee Endriss, Sr. and Lynn Swanson Endriss, his wife, to Larry Bradford and Dennise M. Bradford, his wife, dated November 7, 2003 and recorded at Official Records Book 7190, Page 4109 of the Public Records of Orange County, Florida; thence run West a distance of 107.23 feet to the SW corner of the lands described in the said Deed; thence run North 151 feet along the West line of the lands described in said Deed; thence run Northeasterly to the SW corner of the lands described in the Deed from James A. Callahan to Obed Calderon dated May 22, 2007 and recorded at Official Records Book 9291, Page 1450 of the Public Records of Orange County, Florida; thence run North a distance of 632.83 feet, more or less, to the NW corner of the lands described in that Deed from Freedom Quest, LLC to Shannon L. Hutto dated February 5, 2007 recorded at Official Records Book 9114, Page 2464, of the Public Records of Orange County, Florida; thence run East a distance of 308.77 feet, more or less, to the NE corner of said lands; thence run Southeasterly to the intersection of the South boundary line of Swan Avenue and the Easterly boundary line of Matchett Road; thence run South along the East boundary line of Matchett Road a distance of 610 feet, more or less, to the POINT OF BEGINNING.

The territorial boundary lines of the City of Belle Isle, Florida, are hereby redefined so as to include therein these tracts of land as described herein.

***SECTION 2: Effective Date.** This Ordinance, in accordance with Section 171.0413 (2)(a), Florida Statutes, shall be submitted to a vote of the registered electors of the area proposed to be annexed, and if approved by a majority of those voting shall be effective ten days after the date of the referendum election.*

**OR**

*SECTION 2: Effective Date: This ordinance shall become effective 10 days after adoption by the City Council of the City of Belle Isle.*

**SECTION 3: Severability Clause.** In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid or unenforceable for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

**SECTION 4:** This Ordinance shall be liberally interpreted to effectuate its purpose of annexation of the Area to be Annexed.

**ADOPTED** by the City Council of the City of Belle Isle, Florida, on the \_\_\_\_ day of \_\_\_\_\_, 2008.

First Reading held this \_\_\_\_ day of \_\_\_\_\_, 2008.

Advertised for first reading on \_\_\_\_\_, 2008.

Second Reading held this \_\_\_\_ day of \_\_\_\_\_, 2008

Advertised for second reading on \_\_\_\_\_, 2008.

	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
Thomas G. Petruzzi	_____	_____	_____
Trudy Prince	_____	_____	_____
Charles Scott	_____	_____	_____
Larry Ady	_____	_____	_____
"Harv" Readey	_____	_____	_____
Lydia Pisano	_____	_____	_____
Eric Spaulding	_____	_____	_____

ATTEST:

\_\_\_\_\_  
William G. Brooks, Mayor

Belinda Bateman, MMC, City Clerk

**STATE OF FLORIDA  
COUNTY OF ORANGE**

**I, BELINDA L. BATEMAN, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing document was duly and legally passed by the Belle Isle City Council, in session assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, at which session a quorum of its members were present.**

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**City Clerk**

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