

ORDINANCE 08- 11

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO ANNEXATION; MAKING CERTAIN FINDINGS; PROPOSING TO ANNEX THAT CERTAIN PROPERTY CONSISTING OF 5 PARCELS BOUNDED BY HOFFNER AVENUE TO THE NORTH, MARINELL DRIVE TO THE WEST, AND WILKS AVENUE TO THE SOUTH AND 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 Hoffner Road 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 than 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 South boundary of Hoffner Avenue at the NW corner of the lands described in the Deed from Nelda M. Botello to Robert W. Pell and Richard W. Pell dated July 6, 1992 and recorded at O.R. Book 4432, Page 1738, of the Public Records of Orange County, Florida; thence run South a distance of 109.02 feet more or less to the SW corner of the lands described in said Deed; thence run East 75.51 feet along the South boundary of the lands described in said Deed to the West line of Lot 11, in J.H. Livingston's Subdivision of Government Lot 3, in Section 24, Township 23 South, Range 29 East, as recorded in Plat Book B, Page 33, of the Public Records of Orange County, Florida; thence run Southeasterly along the West boundary line of said Lot 11 a distance of 122.34 feet, more of less, to the North line of Wilks Avenue; thence run East along the North line of Wilks Avenue a distance of 244.2 feet; thence run Northeasterly along the Northwesterly boundary line of Wilks Avenue a distance of 390 feet, more or less, to the intersection of the NW boundary line of Wilks Avenue with the Southerly boundary line of Hoffner Avenue; thence run Westerly along the South boundary line of Hoffner Avenue a distance of 640 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.

City Clerk

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