

ORDINANCE NO. 2723

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY AMERICAN SANFORD FOUR, LLC; STEVEN R. RUBRIGHT; JP HOLDINGS, INC.; RUBRIGHT PROPERTIES, LLC; RUBRIGHT FAMILY, LP; JP HOLDINGS, INC.; AND JAMES SCOTT PRIDGEN; DOUGLAS AND LISA SURRETT; AND JAMES P. PURDY; GENERALLY LOCATED WEST OF U.S. ROUTE 441 AND NORTH OF HOGSHEAD ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex the properties generally located North of Hogshead Road and West of U.S. Route 441; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

WHEREAS, the Joint Planning Agreement (JPA) boundary was revised by a Third Amendment approved by the Apopka City Council on March 6, 2019 and by Orange County Board of County Commissioners on April 23, 2019, extending the JPA boundary to include the properties listed in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **349.37 +/- acres**, and depicted in Exhibit "A" and further graphically depicted by Exhibit "B", are hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

SECTION V: That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: May 1, 2019

READ SECOND TIME
AND ADOPTED: May 15, 2018

Bryan Nelson, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED as to form and legality for use
and reliance by the City of Apopka, Florida.

Joseph Byrd, City Attorney

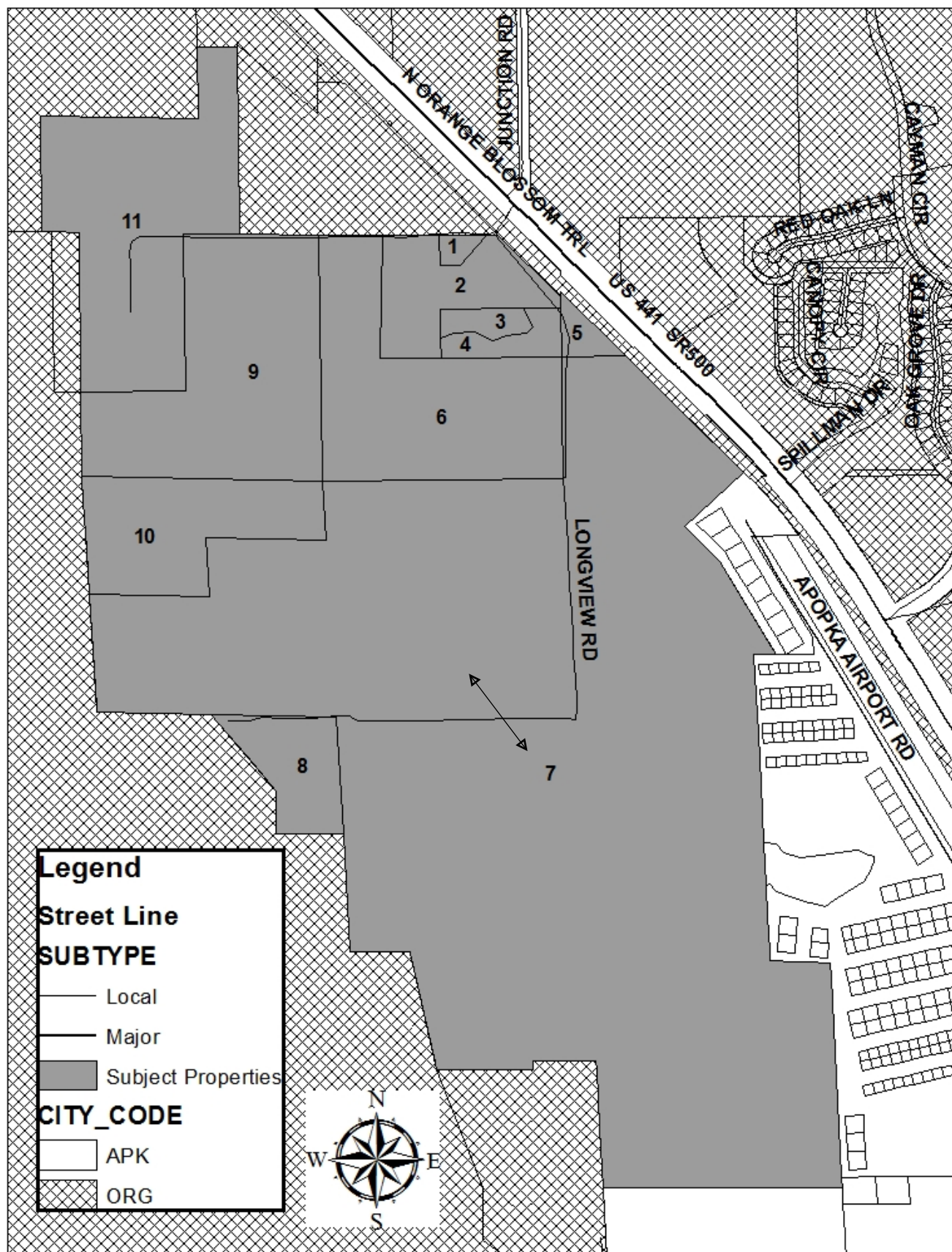
DULY ADVERTISED FOR PUBLIC HEARING: April 12 and April 19, 2019

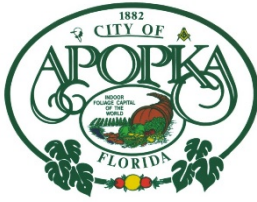
EXHIBIT "A"
Property Descriptions

	Parcel ID	Property Owner	Location	Acreage
1	26-20-27-0000-00-027	American Sanford Four, LLC	4820 Wesley Road	0.72
2	26-20-27-0000-00-028	Steven R. Rubright	4813 Wesley Road	9.24
3	26-20-27-0000-00-042	Steven R. Rubright	Wesley Road	1.65
4	26-20-27-0000-00-029	Steven R. Rubright	4814 Wesley Road	2.48
5	26-20-27-0000-00-032	Steven R. Rubright	4686 W. Orange Blossom Trail	1.49
6	26-20-27-0000-00-030	JP Holdings, Inc.	4910 Wesley Road	26.11
7	35-20-27-5220-00-060	Rubright Properties, LLC	4670 W. Orange Blossom Trail	226.35
8	34-20-27-0000-00-007	Rubright Family, LP	5000 Longview Road	7.02
9	27-20-27-0000-00-053	JP Holdings, Inc. & James Scott Pridgen	Wesley Road	29.76
10	34-20-27-0000-00-005	JP Holdings, Inc. & James Scott Pridgen	Wesley Road	14.94
11	27-20-27-0000-00-052	Douglas and Lisa Surret and James P. Purdy	5101 Wesley Road	29.61

1. BEG NW COR OF NE 1/4 OF SW 1/4 OF SW 1/4 RUN S 170 FT E 112 FT NELY TO PT 259 FT E OF BEG W TO POB IN SEC 26-20-27
2. NE1/4 OF SW1/4 OF SW1/4 S OF RY (LESS BEG NW COR RUN S 170 FT E 112 FT NELY TO PT 259 FT E OF BEG W TO BEG & LESS S 269 FT) & E1/2 OF NW1/4 OF SW1/4 OF SW1/4 (LESS STRIP ON W 16.8 FT WIDE ON N & 6 FT WIDE ON S) & (LESS N 15 FT) OF SEC 26-20-27
3. (NOTE: AG PORTION OF THE FOLLOWING DESCRIBED PROPERTY) THE S 269.8 FT OF NE1/4 OF SW1/4 OF SW 1/4 OF SEC 26-20-27 2989/1241 & UN RECORDED AG ON FILE
4. (NOTE: HOMESTEAD PORTION OF THE FOLLOWING DESCRIBED PROPERTY) THE S 269.8 FT OF NE1/4 OF SW1/4 OF SW 1/4 OF SEC 26-20-27 2989/1241 & UN RECORDED AG ON FILE
5. BEG NW COR OF S1/2 OF SE1/4 OF SW1/4 RUN N 363 FT TO RY SELY ALONG SAME TO N BDRY LINE OF S1/2 OF SE1/4 OF OF SW1/4 W 396 FT TO POB IN SEC 26-20-27
6. SE1/4 OF SW1/4 OF SW1/4 & SW1/4 OF SW1/4 OF SW1/4 & W1/2 OF NW1/4 OF SW1/4 OF SW1/4 & BEG 333.2 FT E OF NW COR OF NW1/4 OF SW1/4 OF SW1/4 RUN S 679.5 FT E 6 FT NLY TO PT 16.8 FT E OF BEG W TO POB OF SEC 26-20-27
7. LONGVIEW GROVES K/26 THAT PT OF S1/2 OF SE1/4 OF SW1/4 SEC 26-20-27 LYING W OF SCL RR & THAT PT OF NE1/4 OF NW1/4 SEC 35-20-27 LYING W OF SCL RR (LESS S 330 FT OF E 330 FT & LESS THAT PT OF LOTS 6 & 11 & PLATTED R/W ELY OF SAID LOTS LONGVIEW GROVES K/26 DESC AS COMM N1/4 COR SEC 35-20-27 S 408.14 FT FOR POB CONT S 483.08 FT N 27 DEG W 652.95 FT S 86 DEG E 261.8 FT SELY 93.67 FT TO POB) & SW1/4 OF NW1/4 & SE1/4 OF NW1/4 (LESS E 330 FT) & NE1/4 OF SW1/4 & N1/2 OF SW1/4 OF SE1/4 & S 60 FT OF NW1/4 OF SE1/4 & NW1/4 OF NW1/4 & W3/4 OF N1/2 OF NW1/4 OF SW1/4 (LESS PT DESC IN 373/302) & BEG 50 FT N OF SE COR OF N1/2 OF NW1/4 OF SW1/4 W 350 FT N TO 1/4 LINE E TO NE COR OF NW1/4 OF SW1/4 S TO POB ALL IN SEC 35-20-27 & S1/2 OF NE1/4 OF NE1/4 OF NE1/4 & S1/2 OF NE1/4 OF NE1/4 SEC 34-20-27 (LESS THAT PORTION DESC IN 7946/1844) & (LESS N 50 FT OF E 330 FT OF SW1/4 OF SEC 35-20-27) & (LESS THE N1/2 OF SW1/4 OF SE1/4 & THE S 60 FT OF THE NW1/4 OF SE1/4 OF SEC 35-20-27)
8. N1/2 OF SE1/4 OF NE1/4 (LESS COMM AT NE COR OF N1/2 OF SE1/4 OF NE1/4 TH N 88 DEG W 696.74 FT TO POB S 40 DEG E 554.89 FT S OO DEG W 237.03 FT N 89 DEG W 952.75 FT N 03 DEG W 655.74 FT S 88 DEG E 632.03 TO POB) IN SEC 34-20-27
9. BEG SE COR OF SEC RUN N 1360.76 FT W 753.98 FT M/L S 866.70 FT W 578.15 FT S 465 FT E 1331.11 FT TO POB IN SEC 27-20-27
10. THE NW1/4 OF NE1/4 OF NE1/4 & THE N1/2 OF NE1/4 OF NE1/4 OF NE1/4 SEC 34-20-27
11. SE COR SE1/4 RUN W 1331.11 FT N 465 FT FOR POB E 578.15 FT N 866.7 FT E 274.51 FT N 1000 FT W 187.28 FT S 358.40 FT W 870 FT S 636.13 FT E 210 FT S 886.44 FT TO POB SEC 27-20-27

Exhibit "B"





CITY OF APOPKA CITY COUNCIL

____ CONSENT AGENDA
X PUBLIC HEARING
____ SPECIAL REPORTS
X OTHER: Annexation

MEETING OF: May 1, 2019
FROM: Community Development
EXHIBITS: "A" – Properties
 "B" – Location Map
 Ordinance No. 2723

SUBJECT: 2019 ANNEXATION – RUBRIGHT AREA PROPERTIES

**REQUEST: ORDINANCE NO. 2723 – FIRST READING – 2019 ANNEXATION –
RUBRIGHT AREA PROPERTIES; AND HOLD OVER FOR SECOND
READING & ADOPTION.**

SUMMARY:

OWNERS: Multiple Owners – Listed In Exhibit "A" (Rubright parcels comprise majority of the land area)

APPLICANT: Property Owners (Exhibit "A") & Kathy Hattaway/Poulos & Bennett, LLC

LOCATIONS: Various locations – Listed in Exhibit "A" and illustrated on Exhibit "B", generally north of Hogshead Road and west of U.S. 441

FUTURE LAND USE: "County" Industrial & Rural

EXISTING USE: The existing uses of the subject properties vary – Listed in Exhibit "A"

TRACT SIZE: 349.37 +/- acres representing eleven (11) parcels

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

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2019 ANNEXATION – RUBRIGHT AREA PROPERTIES
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ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through additional action by the City Council. The land use mix is to be determined at the time of the future land use and zoning amendment applications.

On March 6, 2019, the City Council approved the third amendment to the Settlement Interlocal Agreement for the City's JPA (Joint Planning Agreement) with Orange County.

On April 23, 2019, the Orange County Board of County Commissioners adopted the third amendment to the City's JPA (Joint Planning Agreement), which adjusted the JPA boundary to include the eleven subject parcels.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on April 4, 2019.

DULY ADVERTISED:

April 12, 2019 - 1/4 Page Public Hearing Advertisement

April 19, 2018 - 1/4 Page Public Hearing Advertisement

PUBLIC HEARING SCHEDULE:

May 1, 2019 (1:30 pm) - City Council 1st Reading

May 15, 2019 (7:00 pm) - City Council 2nd Reading and Adoption

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed annexation applications consistent with the intent of Florida Statute Chapter 177, and recommends approval of the Annexation Ordinance No. 2723.

Recommended Motions: Accept the First Reading of Ordinance No. 2723; and hold it over for Second Reading and Adoption on May 15, 2019.

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Exhibit A

Total Acres: 349.37 +/- acres

Map No.*	Parcel ID	Property Owner	Existing Land Use	Acreage
1	26-20-27-0000-00-027	American Sanford Four, LLC	Single Family Home	0.72
2	26-20-27-0000-00-028	Steven R. Rubright	Vacant	9.24
3	26-20-27-0000-00-042	Steven R. Rubright	Vacant	1.65
4	26-20-27-0000-00-029	Steven R. Rubright	Vacant	2.48
5	26-20-27-0000-00-032	Steven R. Rubright	Single Family Home & Nursery	1.49
6	26-20-27-0000-00-030	JP Holdings, Inc.	Orange Grove	26.11
7	35-20-27-5220-00-060	Rubright Properties, LLC	Vacant	226.35
8	34-20-27-0000-00-007	Rubright Family, LP	Vacant	7.02
9	27-20-27-0000-00-053	JP Holdings, Inc. & James Scott Pridgen	Orange Grove	29.76
10	34-20-27-0000-00-005	JP Holdings, Inc. & James Scott Pridgen	Orange Grove	14.94
11	27-20-27-0000-00-052	Douglas and Lisa Surrett and James P. Purdy	Warehouse	29.61

* Map number corresponds to the number appearing on the map within Exhibit B.

EXHIBIT “B”

Vicinity Map

(Map number corresponds to property owners listed in Exhibit A)

