

**CITY OF LABELLE
ORDINANCE 2014-05
NELDA CUELLAR / PINE CREST ANNEXATION**

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, VOLUNTARILY ANNEXING CERTAIN LANDS LYING CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF LABELLE, FLORIDA, AS INITIATED BY THE OWNERS OF THE SUBJECT PROPERTY REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE PROPERTY IN PINE CREST SUBDIVISION TO INCLUDE A 15-FOOT WIDE VACATED PUBLIC ROAD RIGHT-OF-WAY LYING BETWEEN LOT 95 TO THE SOUTH AND LOTS 96, 97 AND 98 TO THE NORTH, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 63 OF THE PUBLIC RECORDS OF HENDRY COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 25, 2014 Hendry County, Florida, "Hendry County," vacated a 15-foot wide public road right-of-way lying between Lot 95 to the south and Lots 96, 97 and 98 to the north in Pine Crest Subdivision, "the property"; and,

WHEREAS, the property was dedicated by Hendry County jointly and severably to adjacent landowners, Jose Guadalupe and Nelda Cuellar, "the Owners"; and,

WHEREAS, the property is located in an unincorporated area of Hendry County and is contiguous to the City of LaBelle, Florida the "City," geographical boundaries; and,

WHEREAS, the Owners desire the City to annex the property and redefine the boundary lines of the City to include the property pursuant to Section 171.044, F.S., as amended; and,

WHEREAS, the property, if annexed, will become part of the unified municipal corporate area with respect to municipal services and benefits; and,

WHEREAS, in exercise of its authority, the City has determined: it necessary and desirable to incorporate the property; that this annexation is in conformity with the City's overall plans for extending the boundaries of the City; and, the annexation of the property is consistent with the public interest within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA, that:

1. The City Commission, after a first reading by title on June 12, 2014 and a duly advertised public hearing on July 10, 2014, hereby annexes into the corporate limits of the City the following described real property:

A 15-Foot wide vacated public road right-of-way lying between Lot 95 to the south and Lots 96, 97 and 98 to the north, according to Plat thereof recorded in Plat Book 2, Page 63 of the Public Records of Hendry County, Florida.

2. The Hendry County Future Land Use Designation of "Residential High Density" shall be retained until an application for Comprehensive Plan Amendment is submitted and approved.
3. The Hendry County Zoning Designation of "Commercial (C-1)" shall be retained until the zoning is changed.
4. If any Court of competent jurisdiction shall determine any portion or provision of this ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the ordinance shall remain in full force and effect and given its ordinary meaning.
5. This Ordinance shall be codified within The City of LaBelle Code.
6. This Ordinance shall become effective upon the date of passage.
7. Any language within the City of LaBelle Code in conflict with the language or provisions contained herein is hereby declared null and void.
8. The City Commission hereby directs the Deputy Clerk to forward certified copies of this adopted Ordinance within seven (7) days of the effective date hereof, to the Clerk of Circuit Court of Hendry County, the County Administrator for Hendry County, and the Department of State in compliance with F.S. 171.044(3), as amended.
9. In addition to the above notice, and as a public service, the City Commission hereby directs the Deputy Clerk to fax, email or hand deliver notification to the Hendry County Property Appraiser's Office, Hendry County Tax Collector's Office, Postmaster, Hendry County Sheriff's Office, E911 Office, Hendry County Supervisor of Elections and Hendry County Planning Office.

PASSED AND ADOPTED in open session this 10th day July, 2014.

THE CITY OF LABELLE, FLORIDA

By: 

David A Lyons, Mayor

Attest:

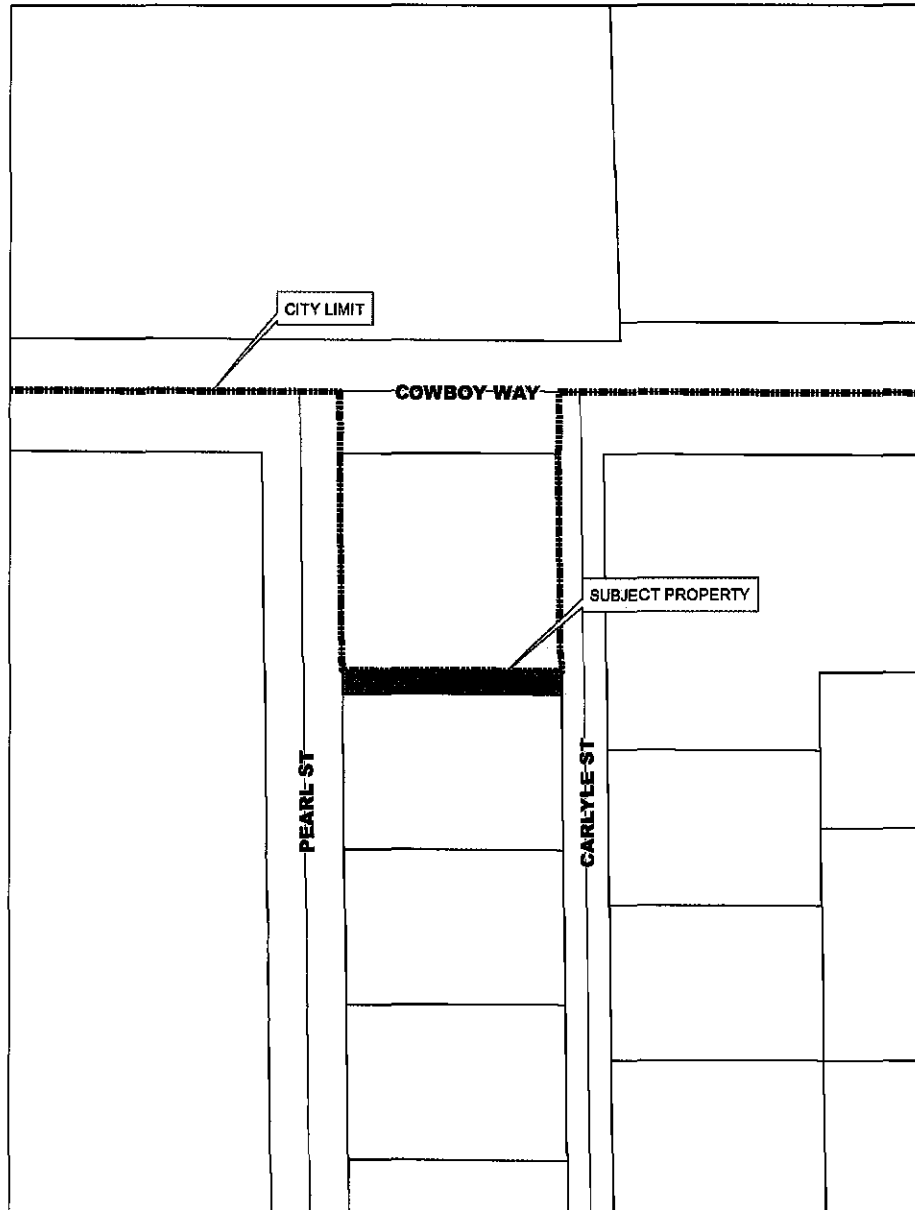

Thomas A. Smith, Clerk-Commissioner

History: Read by title on June 12, 2014 and duly noticed and advertised for public hearing July 10, 2014.

**ORDINANCE 2014-05
NELDA CUELLAR / PINE CREST ANNEXATION
Exhibit A**

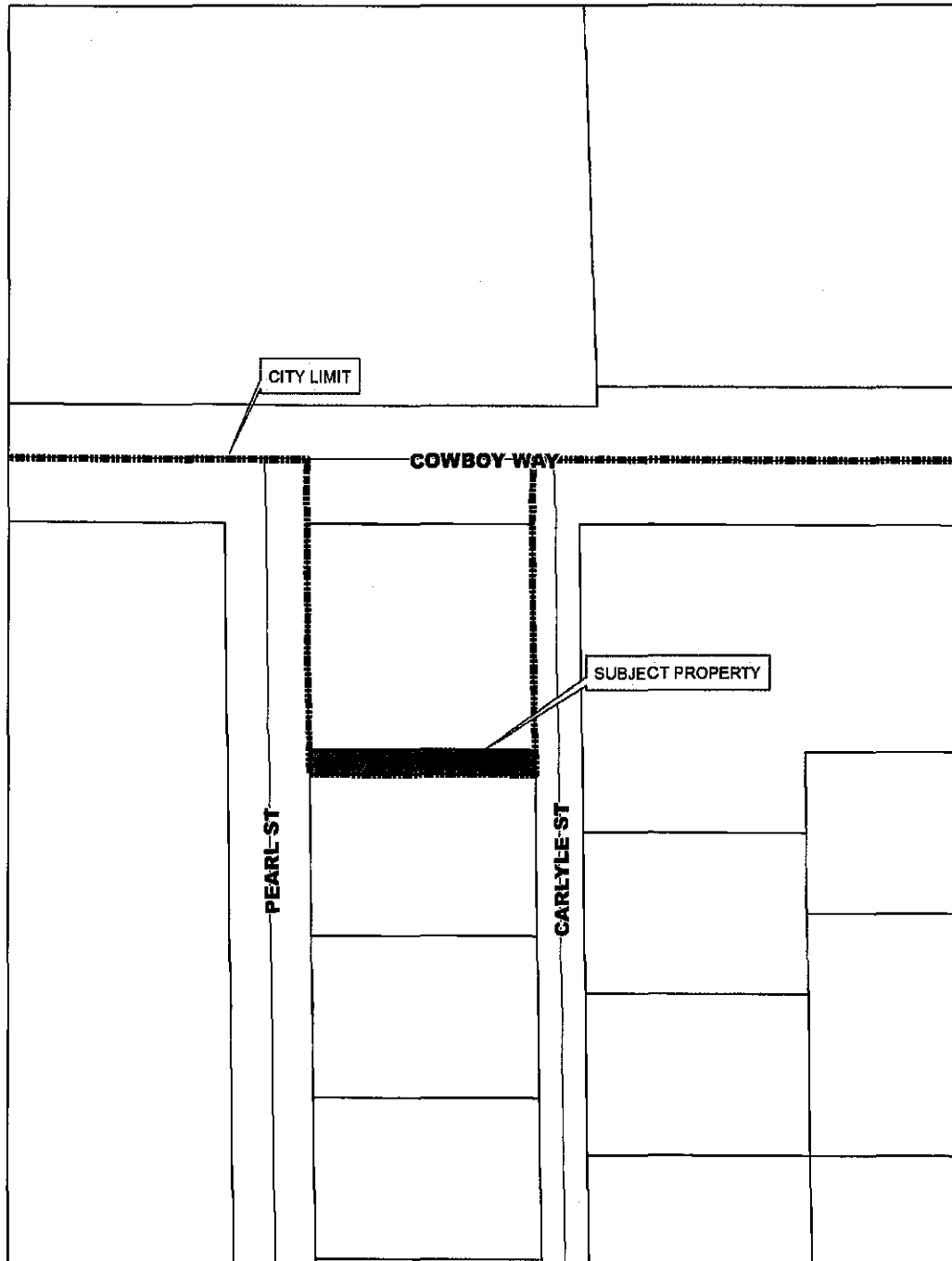
Legal Description

A 15-FOOT WIDE VACATED PUBLIC ROAD RIGHT-OF-WAY LYING BETWEEN LOT 95 TO THE SOUTH AND LOTS 96, 97 AND 98 TO THE NORTH, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 63 OF THE PUBLIC RECORDS OF HENDRY COUNTY.



**ORDINANCE 2014-05
NELDA CUELLAR / PINE CREST ANNEXATION**

Proposed City Boundary Change



ORDINANCE NO. 2014-6
CITY OF LABELLE
Cuellar Comp Plan Amendment ROW

AN ORDINANCE AMENDING THE CITY OF LABELLE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY IDENTIFIED AS A 15-FOOT WIDE VACATED PUBLIC ROAD RIGHT-OF-WAY LYING BETWEEN LOT 95 TO THE SOUTH AND LOTS 96, 97 AND 98 TO THE NORTH, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 63 OF THE PUBLIC RECORDS OF HENDRY COUNTY; AMENDING THE FUTURE LAND USE MAP DESIGNATION FROM A HENDRY COUNTY DESIGNATION OF RESIDENTIAL/HIGH DENSITY TO CITY OF LABELLE DESIGNATION COMMERCIAL; PROVIDING FOR THE IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 25, 2014, Hendry County, Florida, "Hendry County," vacated a 15-foot wide public road right-of-way lying between Lot 95 to the south and Lots 96, 97 and 98 to the north in Pine Crest Subdivision, "the property"; and,

WHEREAS, the property was dedicated by Hendry County jointly and severally to adjacent landowners, Jose Guadalupe and Nelda Cuellar, "the Owners"; and,

WHEREAS, the property was located in an unincorporated area of Hendry County contiguous to the City of LaBelle, Florida, "the City"; and,

WHEREAS, upon request of the Owners the City has voluntarily annexed the property and redefined the boundary lines of the City to include the property pursuant to Section 171.044, F. S., as amended; and,

WHEREAS, in the exercise of its authority, the City has determined it necessary and desirable to amend the City Comprehensive Plan Future Land Use Map so that the boundaries of the property for zoning purposes are changed from Hendry County designation of "Residential/High Density" to City designation "Commercial"; and,

WHEREAS, amending the City Comprehensive Plan Future Land Use Map designation from a Hendry County designation of "Residential/High Density" to City designation of "Commercial," as applied to the property, will promote, protect and improve the general health, safety, comfort, good order, appearance, convenience, morals and general welfare of the public; and, will help accomplish the goals and objectives of the City Comprehensive Plan.

NOW THEREFORE be it enacted by the City Commission of the City of LaBelle, Florida, that:


1. After being read by title at a public meeting on June 12, 2014 and after a duly advertised public hearing on July 10, 2014, Ordinance No. 2014-06 is hereby adopted, amending the City Comprehensive Plan Future Land Use Map as follows:
 - a. Boundaries of the following described real property for zoning purposes are hereby changed from Hendry County, Florida designation of "Residential/High Density" to City "Commercial" for the following described real property, "the property":

A 15-FOOT WIDE VACATED PUBLIC ROAD RIGHT-OF-WAY
LYING BETWEEN LOT 95 TO THE SOUTH AND LOTS 96, 97
AND 98 TO THE NORTH, ACCORDING TO PLAT THEREOF
RECORDED IN PLAT BOOK 2, PAGE 63 OF THE PUBLIC
RECORDS OF HENDRY COUNTY, FLORIDA.

2. The City Commission has determined that the land use designation of "Commercial" as shown in the proposed amended City Comprehensive Plan Future Land Use Map attached hereto as Exhibit "A," is the most appropriate use of the affected property and that the uses will promote, protect and improve the general health, safety, comfort, good order, appearance, convenience, morals and general welfare of the public; and, will help accomplish the goals and objectives of the City Comprehensive Plan with the following conditions:
 - a. The small scale Comprehensive Plan Amendment shall apply to property as described in the legal description provided by the applicant in the Comprehensive Plan Amendment application.
3. If any Court of competent jurisdiction shall determine any portion or provision of this ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the ordinance shall remain in full force and effect and given its ordinary meaning.
4. This Ordinance shall be codified within The City of LaBelle Code.
5. This Ordinance shall become effective upon the date of passage.
6. Any language within the City of LaBelle Code in conflict with the language or provisions contained herein is hereby declared null and void.

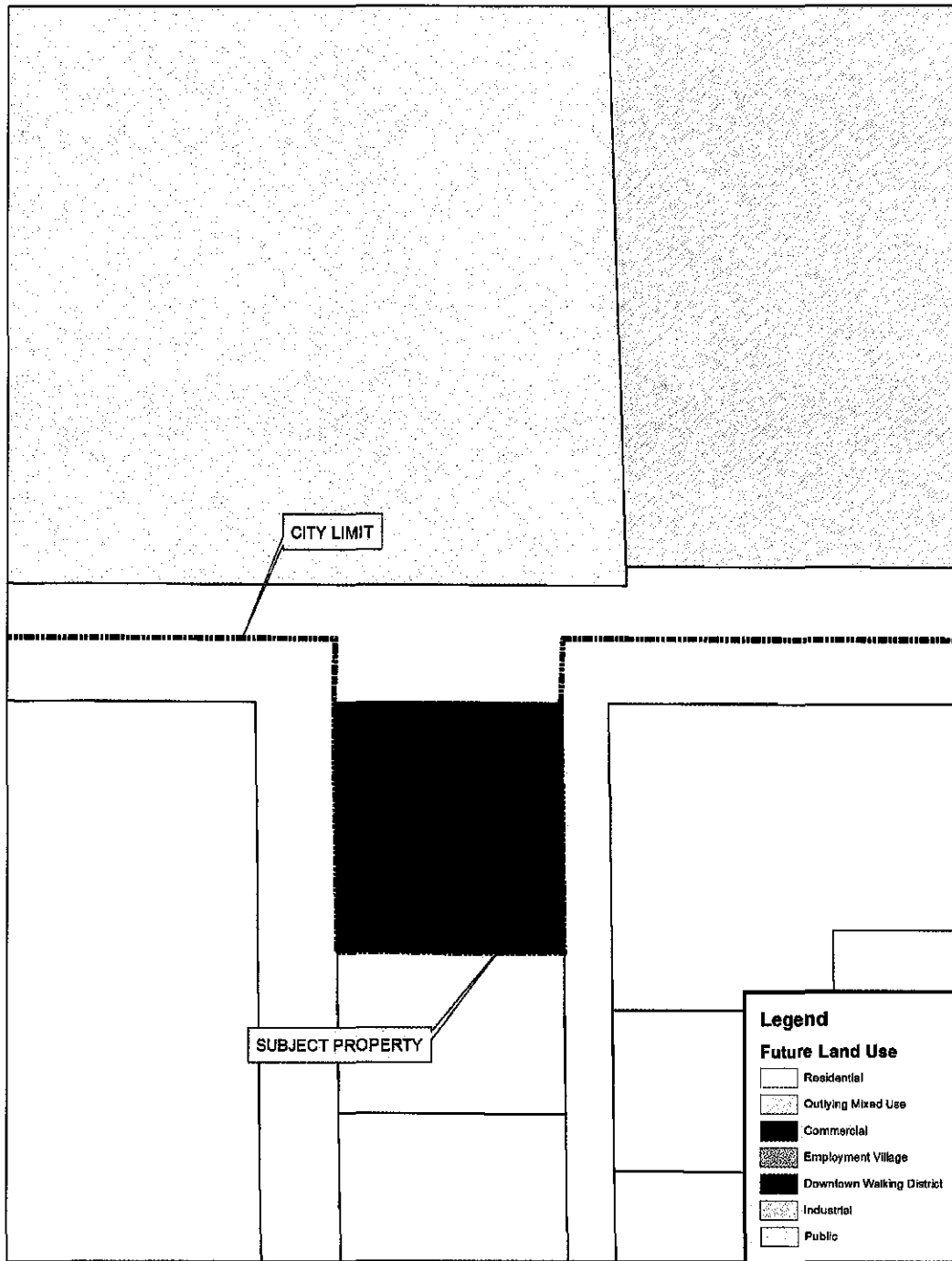
PASSED AND ADOPTED in open session this ____ day of _____, 2014.

THE CITY OF LABELLE, FLORIDA

By: 
David A. Lyons, Mayor

Attest:


Thomas A. Smith, Clerk-Commissioner



"EXHIBIT A"

**A 15-
FOOT
WIDE
VACATED
PUBLIC
ROAD
RIGHT-
OF-WAY
LYING**

BETWEEN LOT 95 TO THE SOUTH AND LOTS 96, 97 AND 98 TO THE NORTH, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 63 OF THE PUBLIC RECORDS OF HENDRY COUNTY

Proposed Future Land Use Map