

ORDINANCE 2010-04

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, ANNEXING APPROXIMATELY 1204.80 ACRES INTO THE CORPORATE LIMITS OF THE CITY OF DUNNELLON, FLORIDA, PURSUANT TO SECTION 171.044 OF THE FLORIDA STATUTES; PROVIDING FOR METES AND BOUNDS LEGAL DESCRIPTION; PROVIDING FOR PUBLICATION; PROVIDING FOR LAND USE DESIGNATION; PROVIDING FOR REVISION OF SECTION 3 OF THE CITY CHARTER AS TO LAND BOUNDARIES PURSUANT TO SECTION 166.031 OF THE FLORIDA STATUTES; PROVIDING FOR FILINGS WITH APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the property described in Exhibit "A" attached, have petitioned the City pursuant to Florida Statute 171.044 for voluntary annexation of said property into the corporate limits of the City; and

WHEREAS, the City Council has determined that said property is contiguous to the municipal boundaries of the city; and

WHEREAS, the City Council has determined that the area of annexation is reasonably compact and within unincorporated Marion County; and

WHEREAS, the City Council has determined that the proposed annexation is consistent with the comprehensive plan.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Dunnellon, Florida, as follows:

SECTION 1: Sufficiency of Petition for Voluntary Annexation

The City of Dunnellon, Florida herein accepts the petition to voluntarily annex the property described in exhibit "A" into the corporate limits of the City and herein determines that the petition bears the signature of all present owners of the property to be annexed.

SECTION 2: Legal Description of Annexed Area

The following described property is hereby annexed to the City of Dunnellon:

See attached Composite Exhibit "A"

Section 3: Publication

That prior to final reading and passage of this Ordinance, it shall be published once a week for two (2) consecutive weeks in some newspaper in this City, or if no newspaper is published in said City, then a newspaper published in the same county pursuant to Section 171.044(2), Florida Statutes.

Section 4: Official Notice to Board of County Commissioners of Marion County

Pursuant to Section 171.044(6), Fla. Stat., the City provided a copy by certified mail, not fewer than ten days prior to publishing of the notice referred to in Section 3 to the Board of County Commissioners of Marion County.

Section 5: Land Use Designation

That pursuant to Section 171.062(2), Florida Statutes the land to be annexed shall retain the Land Use designated by Marion County (986.80 acres Agricultural, 218 acres Specialized Commerce District) until the City adopts a Comprehensive Plan Amendment that includes the annexed area.

Section 6: Revision of Charter

That pursuant to Section 166.031, Florida Statutes, the adoption of this Ordinance shall act as an amendment to the charter of the City of Dunnellon, Florida, only to the extent that the corporate boundaries of said City shall be expanded to now include and encompass the land area described in Section 2 above.

Section 7: Official Filing of Ordinances

Within seven (7) days after adoption, a certified copy of the Ordinance together with a map which clearly shows the annexed area shall be forwarded and filed with the Clerk of the Circuit Court of Marion County, Florida; the Chairman of the Board of County Commissioners of Marion County, Florida; the Property Appraiser of Marion County, Florida; and the Department of State, Secretary of State, State of Florida, pursuant to Section 171.044(3), Florida Statutes.

Section 8: Severability

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, this decision shall not affect the validity of the remaining section, sentences, clause and phrases of this ordinance, which shall remain in effect it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 9: Repeal of Inconsistent Ordinances

Any ordinance in conflict with this ordinance is hereby repealed by implication.

Section 10: Codification

It is the intention of the City Council of the City of Dunnellon, and it is hereby provided, that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Dunnellon and that, therefore, the sections of this ordinance may be renumbered or relettered to accomplish such intentions, and that identifying words such as ordinance, section, article or similar designation may be changed in the discretion of the codifier.

Section 11: Effective Date

This ordinance shall be effective immediately upon its adoption.

UPON MOTION DULY MADE AND CARRIED, the foregoing Ordinance was adopted on the first and final reading on the 29th day of November 2010.

Advertised in the Ocala Star Banner on Thursday, November 18th and 25th 2010, and the Riverland News on Thursday, November 25, 2010 and on the City's website on November 22, 2010.

Attest:

Dawn M. Bowne

Fred Ward, Mayor

DAWN M. BOWNE, M.M.C.

Approved as to Form and Correctness:

Marsha Segal-George, City Attorney
Fowler & O'Quinn, P.A.
Empire Building
28 W. Central Blvd. 4th Floor
Orlando, Florida 32801
(407) 425-2684

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the 22nd day of November 2010 and on the City's Official Website this 22nd day of November 2010.

Dawn M. Bowne, M.M.C.
City Clerk



LEGAL DESCRIPTION

A PORTION OF SECTIONS 20, 22, 27, 29, 32 AND 34, TOWNSHIP 16 SOUTH, RANGE 19 EAST. MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE N.E. CORNER OF SAID SECTION 27; THENCE S00°22'40"W ALONG THE EAST BOUNDARY OF SAID SECTION 27, A DISTANCE OF 1941.50 FEET; THENCE DEPARTING SAID EAST BOUNDARY S45°23'57"W, 209.18 FEET; THENCE N89°26'54"W, 5133.64 FEET TO A POINT 30.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, FROM THE WEST BOUNDARY OF SAID SECTION 27; THENCE S00°08'16"W ALONG A LINE PARALLEL WITH SAID WEST BOUNDARY 1458.69 FEET; THENCE S00°38'05"W ALONG A LINE PARALLEL WITH AND 30.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, THE WEST BOUNDARY OF SAID SECTIONS 27 AND 34, A DISTANCE OF 5249.97 FEET; THENCE S44°38'08"E, 28.15 FEET; THENCE S00°38'05"W, 104.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°21'08"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 39.42 FEET (CHORD BEARING AND DISTANCE OF S44°32'28"E, 35.46 FEET) TO A POINT THAT IS 100 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, THE NORTH RIGHT-OF-WAY LINE OF S.W. HWY 484 (80 FEET WIDE); THENCE S00°06'03"W, 10.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE N89°53'57"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 75.25 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY OF SAID SECTION 34; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, S89°59'58"W, 2099.98 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE N00°58'19"E THROUGH SAID SECTIONS 32 AND 29, A DISTANCE OF 5407.83 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 20; THENCE N00°03'56", 5316.32 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID SECTION 20; THENCE S89°50'43"E, ALONG SAID NORTH BOUNDARY OF SECTION 20, A DISTANCE OF 2078.33 FEET TO THE N.E. CORNER OF SAID SECTION 20, SAID POINT ALSO BEING ON THE WEST BOUNDARY OF AFOREMENTIONED SECTION 22; THENCE S89°32'48"E, 2663.78 FEET; THENCE S89°33'45"E, 2663.32 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SECTION 22; THENCE S00°28'12"W ALONG SAID EAST BOUNDARY, 1769.16 FEET TO THE POINT OF BEGINNING

LEGAL DESCRIPTION

PARCEL "A"

A PORTION OF SECTION 34, TOWNSHIP 16 SOUTH, RANGE 19 EAST, MARION COUNTY, FLORIDA LYING NORTH OF S.W. HIGHWAY 484, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 1347.55 FEET OF THE FOLLOWING: BEGIN AT THE INTERSECTION OF THE NORTH BOUNDARY OF SAID SECTION 34 WITH THE EAST RIGHT-OF-WAY LINE OF S.W. 170th AVENUE (60 FEET WIDE); THENCE DEPARTING SAID NORTH BOUNDARY, PROCEED S00°38'05"W ALONG SAID RIGHT-OF-WAY LINE, 3492.12 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S44°38'08"E, 28.15 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S00°38'05"W, 104.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A CENTRAL ANGLE OF 90°21'08" AND A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, 39.42 FEET (CHORD BEARING AND DISTANCE OF S44°32'28"E, 35.46 FEET) TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF S.W. HIGHWAY 484 (80 FEET WIDE); THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE OF S.W. 170th AVENUE, PROCEED S89°51'22"E ALONG SAID NORTH RIGHT-OF-WAY LINE OF S.W. HIGHWAY 484 A DISTANCE OF 2585.88 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED N00°33'58"E, 3633.37 FEET TO THE AFOREMENTIONED NORTH BOUNDARY OF SECTION 34; THENCE N89°26'54"W ALONG SAID NORTH BOUNDARY, 2626.68 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

PARCEL "B"

A PORTION OF SECTION 34, TOWNSHIP 16 SOUTH, RANGE 19 EAST, MARION COUNTY, FLORIDA LYING NORTH OF S.W. HIGHWAY 484, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH BOUNDARY OF SAID SECTION 34 WITH THE EAST RIGHT-OF-WAY LINE OF S.W. 170th AVENUE (60 FEET WIDE); THENCE DEPARTING SAID NORTH BOUNDARY, PROCEED S00°38'05"W ALONG SAID RIGHT-OF-WAY LINE, 3492.12 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S44°38'08"E, 28.15 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S00°38'05"W, 104.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A CENTRAL ANGLE OF 90°21'08" AND A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, 39.42 FEET (CHORD BEARING AND DISTANCE OF S44°32'28"E, 35.46 FEET) TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF S.W. HIGHWAY 484 (80 FEET WIDE); THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE OF S.W. 170th AVENUE, PROCEED S89°51'22"E ALONG SAID NORTH RIGHT-OF-WAY LINE OF S.W. HIGHWAY 484 A DISTANCE OF 2585.88 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED N00°33'58"E, 3633.37 FEET TO THE AFOREMENTIONED NORTH BOUNDARY OF SECTION 34; THENCE N89°26'54"W ALONG SAID NORTH BOUNDARY, 2626.68 FEET TO THE POINT OF BEGINNING. EXCEPT THE NORTH 1347.55 FEET THEREOF.