

DAVID R. ELLSPERMANN CLERK & COMPTROLLER MARION CO  
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**MASTER**

**ORDINANCE #ORD2017-10**

**AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, ANNEXING APPROXIMATELY 4.98 ACRES INTO THE CORPORATE LIMITS OF THE CITY OF DUNNELLON, FLORIDA, PURSUANT TO SECTION 171.044, 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, CONFLICTS, 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**, City Staff has reviewed and subsequently recommended approval of the annexation of said property to the City Council of the City of Dunnellon and has accomplished all actions required under the *Code of Ordinances of the City of Dunnellon*; and

**WHEREAS**, the City Council has determined that said property is contiguous to the municipal boundaries of the City, that the area of annexation is reasonably compact and within unincorporated Marion County, and that annexation of said property will not result in the creation of any enclave; and

**WHEREAS**, the City has furnished the Board of County Commissioners of Marion County a copy of the published notice of annexation by certified mail no fewer than ten (10) days prior to said publication(s), and said action is hereby ratified and confirmed by the City Council; and

**WHEREAS**, all other procedural and notice requirements mandated by State Law and the City's Charter and Code of Ordinances have been followed and satisfied; and

**WHEREAS**, the Planning Commission, acting as the Local Planning Agency, has determined that the proposed annexation is consistent with the Comprehensive Plan; and

**WHEREAS**, the map attached hereto as Exhibit "A" clearly shows and depicts the property which is hereby annexed into the City of Dunnellon.

First Draft 09/25/2017 City Council Meeting

City of Dunnellon  
OCT 20 2017  
RECEIVED

LFV

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:**

**SECTION 1: Legislative Findings.** The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Dunnellon.

**SECTION 2: 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 3: Legal Description of Annexed Area.** The following described property is hereby annexed to the City of Dunnellon:

See attached Composite Exhibit "A"

**SECTION 4: Effect of Annexation.** Upon this Ordinance becoming effective, the property owner of said property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City of Dunnellon, Florida as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City of Dunnellon, Florida and the provisions of said Chapter 171, Florida Statutes.

**SECTION 5: Land Use Designation.** Pursuant to Section 171.062(2), Florida Statutes the land to be annexed shall retain the Land Use designated by Marion County (4.98 acres Rural) until the City adopts a Comprehensive Plan Amendment that includes the annexed area.

**SECTION 6: Revision of Charter.** Pursuant to Section 166.031, Florida Statutes, 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 3 above.

**SECTION 7: Official Filing of Ordinance.** 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: Conflicts.** Any ordinance in conflict with this ordinance is hereby repealed by implication.

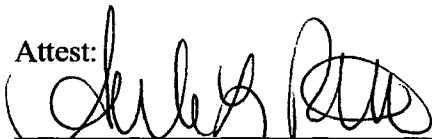
**SECTION 10: Codification.** The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the City Limits of the City of Dunnellon by the City Administrator.

**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 reading on the 25<sup>th</sup> day of September, 2017.

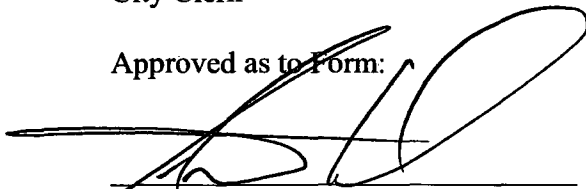
**UPON MOTION DULY MADE AND CARRIED,** the foregoing Ordinance was adopted on the second and final reading on the 9th day of October, 2017.

Attest:

  
Amanda L. Roberts, CMC  
City Clerk

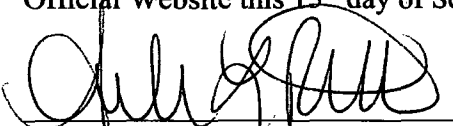
  
Walter Green, Mayor

Approved as to Form:

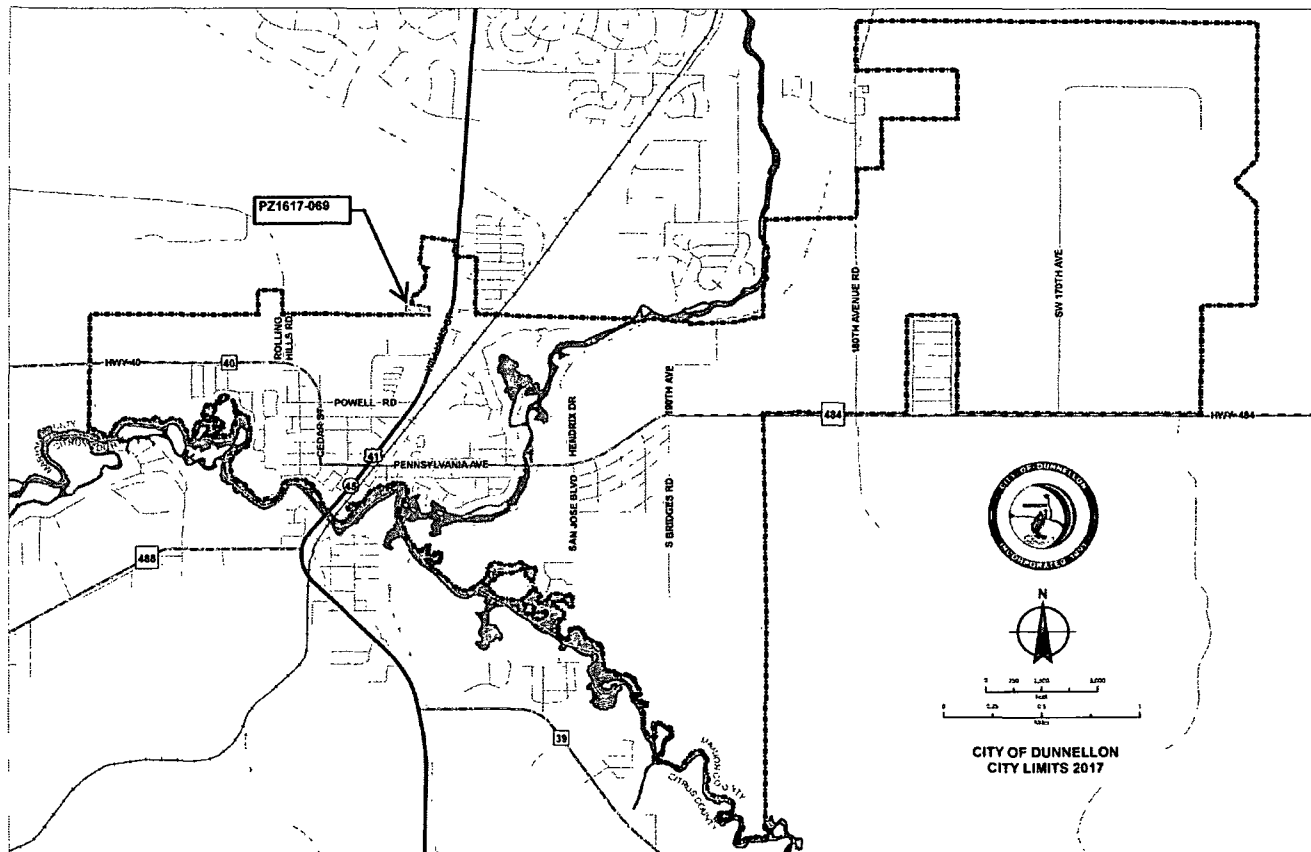
  
Andrew Hand, City Attorney  
Shepard & Smith, P.A.  
2300 Maitland Center Pkwy, Ste 100  
Maitland, Florida 32751  
(407) 622-1772

**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 City's Official Website this 15<sup>th</sup> day of September, 2017.

  
Amanda L. Roberts, CMC  
City Clerk

**EXHIBIT "A"**



**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 18 EAST, MARION COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 3-1/2" SQUARE CONCRETE MONUMENT WITH DISK STAMPED MARION ENGINEERING ASSOCIATES, (MEAI), MARKING THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4, FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°54'52"EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 307.71 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°05'08"EAST, LEAVING SAID SOUTH LINE, A DISTANCE OF 240.00 FEET, THENCE RUN SOUTH 89°54'52"EAST, PARALLEL WITH THE SAID SOUTH LINE, A DISTANCE OF 194.50 FEET; THENCE RUN NORTH 44°35'46"EAST, A DISTANCE OF 110.66 FEET TO IT'S INTERSECTION WITH THE SOUTHERN RIGHT OF WAY LINE OF A 70 FOOT WIDE PROPOSED ACCESS ROADWAY, SAID POINT BEING ON THE ARC OF A CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF 530.00 FEET; THENCE RUN ALONG SAID SOUTHERN RIGHT OF WAY LINE, 476.31 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 51°29'30" AND SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 71°12'23EAST, 460.44 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHERN RIGHT OF WAY LINE, NORTH 83°02'52 11 EAST, A DISTANCE OF 215.77 FEET TO IT'S INTERSECTION WITH THE

SOUTH LINE OF WAL-MART-MANKO SUBDIVISION AS RECORDED IN PLAT BOOK 7 AT PAGES 199 THROUGH 200 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE RUN SOUTH 83°18'16"EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 98.89 FEET TO A 3-1/2" SQUARE CONCRETE MONUMENT WITH NO IDENTIFICATION MARKING THE NORTHWEST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1267 AT PAGE 299 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE RUN SOUTH 00°41'12" WEST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 185.93 FEET TO A 5/8" STEEL ROD AND CAP STAMPED LB5075 MARKING THE SOUTHWEST CORNER OF SAID LANDS AND BEING ON THE AFOREMENTIONED SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 26; THENCE RUN NORTH 89°54'52" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1019.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.979 ACRES MORE OR LESS.