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ORDINANCE NO. 1262

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, RELATING TO ANNEXATION; MAKING CERTAIN FINDINGS; PROPOSING TO ANNEX CERTAIN PROPERTY INTO THE CITY OF MAITLAND INCLUSIVE OF PROPERTY OWNED BY MAITLAND WEST, LLLP; OP ESTATES AT MAITLAND APARTMENTS, LP, A DELAWARE LIMITED PARTNERSHIP; AND MAITLAND SUMMIT PROPERTY OWNERS ASSOCIATION, INC., LOCATED WITHIN SECTION 28, TOWNSHIP 21, RANGE 29 AND SECTION 27, TOWNSHIP 21, RANGE 29, AND PORTIONS OF RIGHTS-OF-WAY FOR ALBEMARLE ROAD AND ORANGE COUNTY FDOT SURPLUS PARCELS, PROVIDING AN EFFECTIVE DATE FOR THE ANNEXATION; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR LIBERAL CONSTRUCTION OF THIS ORDINANCE.

**WHEREAS**, Maitland West, LLLP; OP Estates at Maitland Apartments, LP, a Delaware Limited Partnership; and Maitland Summit Property Owners Association, Inc., have filed applications for Voluntary Annexation of certain Properties which into the City of Maitland; and

**WHEREAS**, it is necessary to annex portions of rights-of-way of certain streets in the area to be annexed so as not to leave isolated segments of rights-of-way; and

**WHEREAS**, the City of Maitland has indicated a continuing and historical desire to annex this area, and the City of Maitland and Orange County have contemplated the annexation in the Joint Planning Area Interlocal Agreement between the City of Maitland and Orange County, and

**WHEREAS**, the Planning and Zoning Commission, also sitting as the Local Planning Agency and Land Development Regulation Commission, advertised and held a public hearing on September 4, 2014 to take public comment regarding the proposed Voluntary Annexation; and

**WHEREAS**, the Maitland City Council introduced this Ordinance on November 10, 2014, and in accordance with Section 171.044 of the Florida Statutes, advertised the notice of annexation at least once per week for two consecutive weeks in the *Orlando Sentinel*; and

**WHEREAS**, the City has furnished the Board of County Commissioners of Orange County a copy of the published notice of annexation by certified mail not fewer than ten (10) days prior to said publication(s); and

**WHEREAS**, the Maitland City Council held a public hearing on this Ordinance on December 8, 2014 to take public input; and

**WHEREAS**, the Maitland City Council finds that the area to be annexed does not create any enclaves, is contiguous to the City's boundaries, is reasonably compact; and

**WHEREAS**, the Subject Properties and rights-of-way comprise the area to be annexed which consists of a single area that is wholly located within Orange County, Florida; and

**WHEREAS**, annexation of this area is specifically determined by the Maitland City Council to be in the public interest and that it promotes the public health, safety, welfare, and aesthetics.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Maitland, Florida:

**Section 1. Legislative Findings.** The recitals set forth above are adopted as legislative findings of the City Council.

**Section 2. Area To Be Annexed.** The following described properties (hereinafter referred to as the "Area To Be Annexed") is hereby annexed into the City of Maitland, Florida, to-wit:

Parcel numbers: 28-21-29-0000-00-069; 28-21-29-0000-00-007; 27-21-29-5844-00-160; and 27-21-29-5844-00-170.

OP Estates at Maitland Apartments, LP, a Delaware limited partnership, as owner of 9000 Summit Centre Way, Orlando, Florida 32810 which includes the following property:

Parcel No. 27-21-29-8618-00-010 also described as Lot 1, Summit South - Phase 5, according to the plat thereof as recorded in

Plat Book 38, page 31, Public Records of Orange County, Florida.

Maitland Summit Property Owners Association, Inc., c/o CBRE, 1145 Town Park Avenue, Suite 2245, Lake Mary, Florida 32746 which includes the following property:

Parcel No. 27-21-29-8618-00-020 also described as Lot 2, (conservation) Summit South-Phase 5, according to the plat thereof as recorded in Plat Book 38, page 31, Public Records of Orange County, Florida.

Right-of-way referenced as: That portion of right-of-way of Albemarle Road that is contiguous to and situated between parcel numbers 28-21-29-0000-00-007 and 27-21-29-5844-00-160. AND, That portion of right-of-way of Albemarle Road that is contiguous to and situated between parcel numbers 28-21-29-0623-00-001 and 27-21-29-5844-00-170.

PARCEL "E" - (PROPOSED ORANGE COUNTY FDOT SURPLUS PARCEL) - A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 29 EAST; THENCE RUN SOUTH 00°00'13" EAST, ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 27, A DISTANCE OF 24.98 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF MAITLAND BOULEVARD (STATE ROAD 414) ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 75011-2506, SHEETS 3 AND 4, AS FILED IN THE SURVEYING & MAPPING UNIT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION, DISTRICT FIVE OFFICE, DELAND, FLORIDA; THENCE RUN NORTH 89°03'52" EAST, ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE OF MAITLAND BOULEVARD, A DISTANCE OF 30.03 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ALBEMARLE ROAD; THENCE CONTINUE NORTH 89°03'52" EAST, ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE OF MAITLAND BOULEVARD, A DISTANCE OF 171.79 FEET; THENCE RUN SOUTH 89°20'44" EAST, ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 24.18 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE AND A CURVE HAVING A RADIUS OF 1859.86 FEET, A CENTRAL ANGLE OF 03°07'22", AN ARC LENGTH OF 101.37 FEET, A CHORD LENGTH OF 101.36 FEET AND A CHORD BEARING OF SOUTH 87°46'28" EAST TO THE NORTHWESTERLY MOST CORNER OF LOT 1, SUMMIT SOUTH - PHASE 5, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38 PAGE 31 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE OF MAITLAND BOULEVARD AND NORTH.

BOUNDARY OF SAID PLAT OF SUMMIT SOUTH - PHASE 5, SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1859.86 FEET, A CENTRAL ANGLE OF 07°17'37", AN ARC LENGTH OF 236.75 FEET, A CHORD LENGTH OF 236.59 FEET AND A CHORD BEARING OF SOUTH 82°30'14" EAST; THENCE RUN NORTH 00°30'07" EAST, ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 51.23 FEET, TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 1909.86 FEET, A CENTRAL ANGLE OF 21°50'47", AN ARC LENGTH OF 728.21 FEET, A CHORD LENGTH OF 723.81 FEET AND A CHORD BEARING OF SOUTH 68°09'47" EAST, TO THE NORTHERNMOST CORNER OF TRACT "E" OF MAITLAND SUMMIT PHASE ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGES 40-41 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE CONTINUE SOUTHEASTERLY ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE OF MAITLAND BOULEVARD AND NORTHEAST BOUNDARY OF SAID PLAT OF MAITLAND SUMMIT PHASE ONE, BEING A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1909.86 FEET, A CENTRAL ANGLE OF 09°09'59", AN ARC LENGTH OF 305.54 FEET, A CHORD LENGTH OF 305.22 FEET AND A CHORD BEARING OF SOUTH 52°41'27" EAST TO THE POINT OF TANGENCY OF SAID RIGHT-OF-WAY MAP, ALSO KNOWN AS POINT A; THENCE LEAVING SAID EXISTING SOUTH RIGHT-OF-WAY LINE OF MAITLAND BOULEVARD AND THE NORTHEAST BOUNDARY OF SAID PLAT OF MAITLAND SUMMIT PHASE ONE, RUN NORTH 41°55'01" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY, ALONG SAID CURVE HAVING A RADIUS OF 1959.86 FEET, A CENTRAL ANGLE OF 26°53'32", AN ARC LENGTH OF 919.88 FEET, A CHORD LENGTH OF 911.46 FEET AND A CHORD BEARING OF NORTH 61°31'45" WEST TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 27, ALSO KNOWN AS POINT B; THENCE RUN SOUTH 89°02'07" WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 27, A DISTANCE OF 709.20 FEET TO THE POINT OF BEGINNING.

BEING THE LANDS DESCRIBED AND RECORDED IN THE FOLLOWING OFFICIAL RECORDS BOOKS: BOOK

3509, PAGE 1468; BOOK 3580, PAGE 352; BOOK 3518, PAGE 555; BOOK 3509, PAGE 1464; AND A PORTION OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3575, PAGE 2685 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

RETAINING ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND THE PROPERTY HEREIN DESCRIBED, ALONG THE LINE BETWEEN POINT A AND POINT B, AS DESCRIBED ABOVE.

CONTAINING 1.59 ACRES, MORE OR LESS.

PARCEL "G" - (PROPOSED ORANGE COUNTY FDOT SURPLUS PARCEL) A PARCEL OF LAND LYING IN SECTION 28, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 21 SOUTH, RANGE 29 EAST AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 75011-2506, W.P.I. 5114158 FILED IN THE SURVEYING & MAPPING UNIT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION, DISTRICT FIVE OFFICE, DELAND, FLORIDA; THENCE RUN NORTH 89°15'20" WEST, ALONG NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 30.00 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°15'20" WEST, ALONG SAID NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 28, A DISTANCE OF 46.92 FEET, THENCE RUN SOUTH 00°00'49" WEST, A DISTANCE OF 44.02 FEET; THENCE RUN SOUTH 39°40'29" EAST, A DISTANCE OF 73.52 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ALBEMARLE ROAD; THENCE RUN NORTH 00°00'31" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF ALBEMARLE ROAD, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

ABOVE DESCRIBED LANDS ALSO BEING THE SAME AS THOSE DESCRIBED OFFICIAL RECORDS BOOK 3581, PAGE 1577 AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

The territorial boundary lines of the City of Maitland, Florida are hereby redefined so as to include therein these lands described herein.

**Section 2. Effective Date.** This Ordinance, and the annexation of the Area To Be Annexed, shall become effective upon adoption of this Ordinance by the Maitland City Council.

**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 Maitland, Florida, on the 8 day of December 2014.

CITY OF MAITLAND, FLORIDA

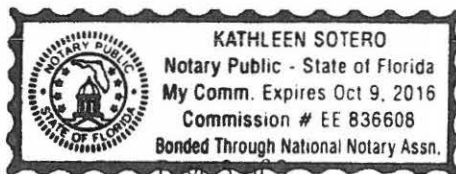
By: Howard Schieferdecker  
Howard Schieferdecker, Mayor

Attest:

Maria Waldrop  
Maria Waldrop, City Clerk

STATE OF FLORIDA  
COUNTY OF ORANGE

Before me, an officer duly authorized to take oaths, appeared Howard Schieferdecker and Maria Waldrop, well known to me to be the Mayor and City Clerk, respectively, of the City of Maitland, Florida, a municipal corporation, who acknowledged executing the foregoing document.



Kathleen Sotero  
Notary Public, State of Florida

FOREST CITY RD

MAITLAND BV

Seminole County

City of Maitland



# Annexation Area

SUMMIT CENTRE WAY

ALBEMARLE RD

HERBISON DR

DONCASTER RD

CALLOWAY DR

GREENLEAF DR

