

ORDINANCE NO. 1339

AN ORDINANCE OF THE CITY COUNCIL OF MAITLAND, FLORIDA, FOR THE VOLUNTARY CONTRACTION (DEANNEXATION) OF THE CITY BOUNDARY BY DEANNEXING 8.85 ACRES MORE OR LESS OF REAL PROPERTY, GENERALLY LOCATED NORTH OF HORATIO AVENUE AND EAST OF THISTLE LANE, MORE PARTICULARLY AND LEGALLY DESCRIBED ON EXHIBIT A, ATTACHED HERETO AND FULLY INCORPORATED HEREIN BY THIS REFERENCE; PROVIDING FOR THE AMENDMENT OF CITY BOUNDARIES TO CONTRACT THE SUBJECT PROPERTIES FROM THE CITY BOUNDARIES; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 171, *Florida Statutes*, provides the exclusive method of municipal annexation or contraction in order to ensure sound urban development and efficient provision of urban services; and

WHEREAS, the City of Winter Park, hereinafter "Owner," own a parcel identified by Orange County Tax Parcel ID Number: 29-21-30-0000-00-002 (approximately 8.85 acres) hereafter the "Subject Properties," such properties described in Exhibit A, attached hereto and incorporated herein by this reference, contiguous to the corporate limits of the City of Maitland, hereinafter "Maitland"; and

WHEREAS, Maitland, annexed the Subject Properties by Ordinance No. 419 on July 30, 1973; and

WHEREAS, the Owner has requested that Maitland deannex the Subject Properties; and

WHEREAS, the Maitland wishes to deannex the Subject Properties, consistent with Chapter 171.052, F.S. Criteria for Contraction of Municipal Boundaries; and

WHEREAS, the Subject Properties fail to meet the criteria of Chapter 171.043, F.S. Character of the area to be annexed; and

WHEREAS, the Subject Properties are not developed for urban purposes; and

WHEREAS, the Subject Properties do not lie between the City and an area to be served by the City water or sewer service; and

WHEREAS, the Subject Properties are not adjacent on at least 60 percent of their external boundaries to the municipal boundary and areas developed for urban purposes; and

WHEREAS, the contraction of the Subject Properties will not result in a portion of the City becoming noncontiguous with the rest of the municipality; and

WHEREAS, upon adoption of this Ordinance, the municipal boundary lines of the City of Maitland, contained in Maitland City Charter, Part I, Section 1.04, shall be redefined to exclude the subject real property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Contraction of Subject Properties. The Subject Properties as described in Exhibit "A" shall be, and is hereby deannexed from the City of Maitland, Florida. The Subject Properties shall be excluded from the existing boundaries of the City of Maitland, Florida, from the effective date of this ordinance.

Section 3. City Boundaries Redefined; City of Maitland Charter Amended. Pursuant to Section 166.031(3), *Florida Statutes*, and Section 171.091, *Florida Statutes*, the City of Maitland Charter, is hereby amended to redefine the corporate boundaries of the City of Maitland to exclude the Subject Properties described in Section 2 of this Ordinance in the area described in Exhibit A and illustrated in Exhibit B. The City Clerk shall file the revised City of Maitland, Part I, Section 1.04, with the Department of State within thirty (30) days from the effective date of this Ordinance. The City Clerk shall also file this Ordinance with the Clerk of the Circuit Court of Orange County, the Mayor of Orange County, and the Department of State within seven (7) days of the effective date.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Maitland, Florida, and pursuant to the City Charter.

APPROVED on first reading the 14th day of November, 2018, at a public hearing.

ADOPTED on the second reading the 26th day of November, 2018, at a public hearing.

CITY OF MAITLAND, FLORIDA


A. DALE MCDONALD, MAYOR

ATTEST:


MARIA T. WALDROP
CITY CLERK

EXHIBIT A

Parcel No. 29-21-30-0000-00-002

Legal Description

Begin at the Southeast corner of the Southwest one-quarter of the Southwest one-quarter, Section 29, Township 21 South, Range 30 East, run thence North 666.26 feet; thence run West 585.71 feet; thence South to the South line of the Southwest one-quarter; thence East to the Point of Beginning.

EXHIBIT B

Vicinity Map

