

**ORDINANCE 2021-15**  
**ANNEXATION OF GRAND RESERVE EAST**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF PALM COAST; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 141.5 ACRES OF PROPERTY DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON AD VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a Petition for Annexation has been filed with the City Clerk of the City of Palm Coast, Florida, which petition contains the name of the property owner of the area described in Exhibit "A", and requests annexation into the incorporated area and City Limits of the City of Palm Coast, Florida; and

**WHEREAS**, the City's staff has certified that the property owner has signed the petition for Annexation; and

**WHEREAS**, the City Council hereby finds that the property described hereinafter is reasonably compact and contiguous to the corporate areas of the City of Palm Coast, Florida, and it is further determined that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

**WHEREAS**, the City of Palm Coast, Florida, is in a position to provide municipal services to the property described herein, and the City Council of the City of Palm Coast, Florida, deems it in the best interests of the City to accept said Petition for Annexation and to annex said property; and

**WHEREAS**, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation notifying

the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Palm Coast; and

**WHEREAS**, the provisions of this ordinance and the actions taken herein are consistent with the City's Comprehensive Plan and State law; and

**WHEREAS**, public hearings were held pursuant to the requirements of State law and in conformity with the published notice described above at which hearings the parties in interest and all others had an opportunity to be, and were in fact, heard; and

**WHEREAS**, it is the City's best interest to annex property which provides economic and other benefits to the City wherever possible.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.**

(a) The property that is the subject of this Ordinance and the Petition for Annexation is described in Section 2 of this Ordinance.

(b) The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast. The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

(c) The City Council of the City of Palm Coast adopts as legislative and administrative findings the fact that the land area described in Section 2 of this Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the present Corporate Limits of the City of Palm Coast, and that no part of the Area is within the boundary of another municipality or the County in any manner or configuration that would contravene the provisions of Florida law or be contrary to sound and generally accepted land use planning practices and principles. The City Council of the City of Palm Coast finds that the annexation of the Area does not create an enclave and that the Area otherwise fully meets the criteria established in Chapter 171, *Florida Statutes*.

(d) The City Council of the City of Palm Coast has applied the laws of the State of Florida, Chapter 171, *Florida Statutes*, as well as the case law analyzing, construing and applying said statutory provisions, and the legislative intent pertaining to said statutory provisions as set forth in legislative reports.

(e) The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section

and that no other action of the City is required to fully implement an annexation of the Area as set forth herein.

**SECTION 2. ANNEXATION OF PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS.** The lands described in Exhibit “A” and shown on the map in Exhibit “B”, attached hereto, (“Area”) be and they are hereby annexed to and included within the corporate limits of the City of Palm Coast, Florida.

**SECTION 3. RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES.**

(a) Upon this Ordinance becoming effective, the property owner 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 Palm Coast, 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 City Council of the City of Palm Coast, Florida, and the provisions of Chapter 171, *Florida Statutes*.

(b) Upon annexation, the Area shall retain the zoning classification established by the Land Development Code of Flagler County, the land development approvals granted by Flagler County, and a land use designation as assigned by the Flagler County Comprehensive Plan in accordance with the provisions of Section 171.062, *Florida Statutes*, until otherwise changed or amended by an appropriate ordinance or by a number of ordinances as may be enacted by the City Council of the City of Palm Coast, Florida.

**SECTION 4. EFFECT ON AD VALOREM TAXES.** All property lying within the boundaries of the Corporate/City Limits of the City of Palm Coast, Florida, as hereby revised, shall hereafter be assessed for payment of municipal ad valorem taxes pursuant to law.

**SECTION 5. EFFECT ON BUSINESSES AND OCCUPATIONS.** All persons who are lawfully engaged in any occupation, business, trade or profession, within the Area upon the effective date of this Ordinance, under a valid license or permit issued by Flagler County, Florida, shall have the right to continue such occupation, business, trade or profession within the corporate limits of the City of Palm Coast, as revised, upon the securing of a valid business tax receipt from the City of Palm Coast, which receipt shall be issued upon payment of the appropriate fee there, without the necessity of taking or passing any additional examination or test relating to the qualifications of such licenses.

**SECTION 6. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction,

such constitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 7. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter.

**APPROVED** on first reading the 3rd day of August 2021.

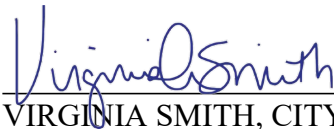
**ADOPTED** on second reading after due public notice and public hearing this 17<sup>th</sup> day of August, 2021.

**CITY OF PALM COAST, FLORIDA**



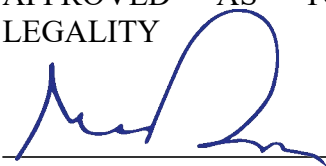
David Alfin, Mayor

*ATTEST:*



VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND  
LEGALITY



WILLIAM E. REISCHMANN, JR., ESQ.  
CITY ATTORNEY



**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF ANNEXATION AREA**

A PORTION OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL FLORIDA, RECORDED IN MAP BOOK 1, PAGE 1, AND BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1973, PAGE 339, ALL OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 35, RIVER OAKS, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 27, PAGES 15 THROUGH 17 OF SAID PUBLIC RECORDS, SAID CORNER LYING ON THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2092, PAGE 1226, OF SAID PUBLIC RECORDS; THENCE SOUTH 88°13'31" WEST, ALONG SAID NORTHERLY LINE, 42.48 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE SOUTH 01°05'50" EAST, ALONG THE WESTERLY LINE THEREOF, AND ITS SOUTHERLY PROLONGATION, 1319.27 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2027, PAGE 98 OF SAID PUBLIC RECORDS; THENCE NORTH 88°58'17" EAST, ALONG THE SOUTHERLY LINE THEREOF, 456.54 FEET TO THE NORTHWESTERLY CORNER OF LOT 34, OF SAID RIVER OAKS; THENCE SOUTH 16°32'49" EAST, ALONG THE WESTERLY LINE OF SAID RIVER OAKS, 1387.30 FEET TO THE NORTHEASTERLY CORNER OF THOSE LANDS DESCRIBED AS EAST PARCEL AND RECORDED IN SAID OFFICIAL RECORDS BOOK 1973, PAGE 339; THENCE SOUTH 88°27'11" WEST, ALONG THE NORTHERLY LINE THEREOF, 2017.46 FEET TO A POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF ROBERTS ROAD, AN 80 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED, SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1459.72 FEET; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°04'29", AN ARC LENGTH OF 333.10 FEET TO A POINT ON SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 28°56'25" WEST, 332.38 FEET; THENCE NORTH 22°24'01" WEST, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG A NON-TANGENT LINE, 2403.92 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2093, PAGE 791, OF SAID PUBLIC RECORDS; THENCE NORTH 67°12'59" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE SOUTHEASTERLY LINE OF LAST SAID LANDS, 2228.20 FEET TO THE SOUTHEASTERLY CORNER THEREOF, SAID CORNER LYING ON THE WESTERLY LINE OF SAID RIVER OAKS; THENCE SOUTH 16°46'29" EAST, ALONG SAID WESTERLY LINE, 710.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 141.47 ACRES, MORE OR LESS.

**EXHIBIT "B"**  
**DEPICTION OF ANNEXATION AREA**

