

ORDINANCE NO. 2011-15
NATURESCAPES CONTRACTION/DEANNEXATION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, FOR THE VOLUNTARY CONTRACTION (DEANNEXATION) OF THE CITY BOUNDARY BY DEANNEXING 2.25 ACRES MORE OR LESS OF REAL PROPERTY, GENERALLY LOCATED SOUTH OF STATE ROAD 100 AND WEST OF BELLE TERRE BOULEVARD, 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, MARIO R. AND MARYLOU R. BAIATA, TRUSTEES, hereinafter OWNER, own two parcels identified by Flagler County Tax Parcel ID Numbers: 12-12-30-0650-000A0-0092, and 12-12-30-0650-000A0-0102 (together approximately 2.25 acres) hereafter the Subject Properties, such properties described in Exhibit A and illustrated in Exhibit B, attached hereto and incorporated herein by this reference, contiguous to the corporate limits of the City of Palm Coast; and

WHEREAS, the CITY OF PALM COAST, hereinafter PALM COAST, annexed the Subject Properties by Ordinance # 2007-15 on June 5, 2007; and

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

WHEREAS, the City wishes to deannex the Subject Properties, including a 100' by 50' strip of Old Brick Road right-of-way as illustrated in Exhibit "B" 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 Subject Properties are better served by the City of Bunnell for central water and sewer services; and

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

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Palm Coast, the City Council of the City of Palm Coast desires to contract the Subject Properties from the municipal boundaries of the City of Palm Coast; and

WHEREAS, upon adoption of this Ordinance, the municipal boundary lines of the City of Palm Coast, contained in Palm Coast Charter, Part I, Section 9(1), shall be redefined to exclude the subject real property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM COAST, 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 and adjacent right-of-way as illustrated in Exhibit “B” shall be, and is hereby deannexed from the City of Palm Coast, Florida. These Subject Properties and the adjacent right-of-way are described in Exhibit A and illustrated in Exhibit B. The Subject Properties and adjacent right-of-way shall be excluded from the existing boundaries of the City of Palm Coast, Florida, from the effective date of this ordinance.

Section 3. City Boundaries Redefined; Palm Coast Charter Amended. Pursuant to Section 166.031(3), *Florida Statutes*, and Section 171.091, *Florida Statutes*, the City of Palm Coast Charter, is hereby amended to redefine the corporate boundaries of the City of Palm Coast to exclude the Subject Properties described in Section 2 of this Ordinance and any public rights-of-way included in the area described in Exhibit A and illustrated in Exhibit B. The City Clerk shall file the revised Palm Coast Charter, Part I, Section 9(1), 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 Flagler County, the Chief Administrator of Flagler 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 Palm Coast, Florida, and pursuant to the City Charter.

APPROVED on first reading the 2nd day of August 2011, at a public hearing.

ADOPTED on the second reading the 16th day of August 2011, at a public hearing.

CITY OF PALM COAST, FLORIDA

JON NETTS, MAYOR

ATTEST:

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

William E. Reischmann, Jr., Esq.
City Attorney

EXHIBIT A

Note: Legal Descriptions are taken from the Flagler County Property Appraiser site. As noted on the Property Appraiser's site these "legal description shown here may be condensed for assessment purposes. Exact description may be obtained from the recorded deed."

12-12-30-0650-000A0-0092

2.00+/-AC BUNNELL DEV CO SUBD E1/2 OF S1/2 OF TRACT 9 BLK A OR 185/673 OR 195/41 OR 207/47-DC OR 459/1412-DC OR 459/1413-SA OR 1127/147 OR 1127/149-BAIATA TRUST RP TAG #211402 OR 1720 PG 574 BOUNDARY LINE AGREEMENT

12-12-30-0650-000A0-0102

.23 AC BUNNELL DEV CO SUB TR A PT S 1/2 TR 10 DESC AS SLY 100 OF W 100' (IN SW CRNR) OR 27 PAGE 176 OR 436 PG 1336-LIFE ESTATE OR 965 PG 1985-ACM OR 971 PG 130-DC OR 1181 PG 452- DC OR 1207/1748

AREA TO BE DEANNEXED INCLUDES A 100' x 50' RIGHT-OF-WAY ADJACENT TO PARCEL ID 12-12-30-0650-000A0-0102.

EXHIBIT B

