

## **ORDINANCE 22-01**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO ANNEXATION; MAKING CERTAIN FINDINGS AND PROPOSING TO ANNEX THAT CERTAIN PROPERTY KNOWN AS SIENNA PLACE CONDOMINIUM CONSISTING OF ONE HUNDRED AND SIXTY-EIGHT (168) INDIVIDUAL CONDO UNITS AND THE COMMON ELEMENTS DESCRIBED IN THAT CERTAIN DECLARATION OF CONDOMINIUM RECORDED AT BOOK 0841, PAGE 1959-2091, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND GENERALLY LOCATED ADJACENT TO AND WEST OF SOUTH CONWAY ROAD, EAST OF THE EAST LINE OF LAKE CONWAY ESTATES SECTION SIX, AS RECORDED IN PLAT BOOK "Z" PAGE 17 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SOUTH OF THE SOUTH LINE OF LAKE CONWAY WOODS AS RECORDED IN PLAT BOOK 4 PAGES 41-42 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND NORTH OF HOFFER AVENUE; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF BELLE ISLE JURISDICTION OVER SAID PROPERTY; CALLING FOR A REFERENDUM TO BE HELD FOR ELECTOR APPROVAL OF THE ANNEXATION FOR ELECTORS RESIDED IN THE ANNEXED AREA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Belle Isle, in the interest of promoting the public health, safety, welfare, and aesthetics of the residents and property owners of the City of Belle Isle, deems it to be consistent with the law of the State of Florida to annex that certain area of land as described herein (area to be annexed); and

**WHEREAS**, the area to be annexed is legally described by metes and bounds; and

**WHEREAS**, the 2021 Sienna Condominium Annexation Report (hereinafter referred to as "Annexation Report") for the area to be annexed has been filed with the Orange County Board of County Commissioners pursuant to Section 171.042 (2) Florida Statutes; and

**WHEREAS**, the Annexation Report has been determined to satisfy the requirements of Chapter 171, Florida Statutes and is approved; and

**WHEREAS**, the notices of the proposed annexation have been mailed to each person who resides or owns property within the area to be annexed as required by Section 171.042(3); and

**WHEREAS**, the City Council of the City of Belle Isle, Florida, finds that the area to be annexed is reasonably compact and contiguous to the City of Belle Isle, and this annexation does not create any enclaves, pockets, or finger areas in serpentine patterns, as required by law; and

**WHEREAS**, the area to be annexed consists of a single area that is wholly located within

Orange County, Florida; and

**WHEREAS**, the area to be annexed satisfies the City of Belle Isle's annexation criteria and complies with all requirements of general law for annexation; and

**WHEREAS**, pursuant to Section 171.0413, Florida Statutes, a general referendum is required to be held to effectuate the annexation of the area to be annexed; and

**WHEREAS**, the owners of more than 50% of the land in the area to be annexed and the owners of more than 50% of the parcels in the area to be annexed have consented to the annexation; and

**NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Belle Isle, Florida:

**SECTION 1. Recitals.** The above recitals are true and correct and are incorporated herein as legislative findings by the City Council.

**SECTION 2. Area to be Annexed.** The property as shown on the map attached hereto as Exhibit "A" and incorporated to this Ordinance by reference and legally described as follows is hereby annexed into the City of Belle Isle, Florida, to wit:

A PARCEL OF LAND IN THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SAID SECTION 17, RUN SOUTH  $00^{\circ} 06' 21''$  WEST ALONG THE EAST LINE OF SAID NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  A DISTANCE OF 1338.57 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$ ; THENCE SOUTH  $89^{\circ} 50' 25''$  WEST ALONG THE SOUTH LINE OF SAID NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH  $850' 25''$  WEST ALONG SAID SOUTH LINE, ALSO BEGINNING THE SOUTH LINE OF LAKE CONWAY WOODS AS RECORDED IN PLAT BOOK 4 PAGES 41-42 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 608.40 FEET; THENCE SOUTH  $00^{\circ} 02' 31''$  EAST ALONG THE EAST LINE OF LAKE CONWAY ESTATES SECTION SIX, AS RECORDED IN PLAT BOOK "Z" PAGE 17 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 556.00 FEET; THENCE NORTH  $89^{\circ} 50' 23''$  EAST, 606.97 FEET; THENCE NORTH  $00^{\circ} 06' 21''$  EAST ALONG A LINE 50.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SAID SECTION 17, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY OF CONWAY ROAD, A DISTANCE OF 556.00 FEET TO THE POINT OF BEGINNING.

The territorial boundary lines of the City of Belle Isle, Florida, are hereby redefined so as to include therein these tracts of land as described herein.

**SECTION 3. Effect of Annexation.** That the City of Belle Isle shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions. Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

**SECTION 4. Referendum.** The annexation proposed by this Ordinance and its accompanying ballot question shall be placed on a referendum ballot and submitted to the qualified electors residing within the area proposed to be annexed by this Ordinance for the election held on March 8, 2022. The qualified voters residing within the area proposed to be annexed by this Ordinance shall have an opportunity to vote on the proposed annexation. The City Clerk is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. The City Council via resolution shall have the authority to determine and direct the ballot question and ballot summary for said referendum, to reschedule such referendum for a later date if determined necessary and to take any other actions as necessary to conduct the referendum. The annexation proposed by this Ordinance shall be deemed approved upon receiving the affirmative votes from the majority of the votes cast in the referendum.

**SECTION 5. 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 6. Conflicts.** This Ordinance shall be liberally interpreted to effectuate its purpose of annexation of the area to be annexed. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION 7. Effective Date.** This Ordinance shall become effective after its adoption by the City Council of the City of Belle Isle, Florida and upon approval by at least a majority of the electors residing within the proposed annexation area who cast votes in the referendum.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2022.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2022.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2022, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Karl Shuck	_____	_____	_____
Randy Holihan	_____	_____	_____
Beth Lowell	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

CITY COUNCIL  
CITY OF BELLE ISLE

ATTEST:

\_\_\_\_\_  
Nicholas Fouraker, Mayor

\_\_\_\_\_  
Yolanda Quiceno, City Clerk

\_\_\_\_\_  
Daniel W. Langley, City Attorney  
Approved as to form and legality for the use  
and reliance of the City of Belle Isle, FL,  
only.

Exhibit A

