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2 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
3 **OF ORLANDO, FLORIDA, ANNEXING TO THE**
4 **CORPORATE LIMITS OF THE CITY CERTAIN LAND**
5 **GENERALLY LOCATED SOUTH OF STATE ROAD 417,**
6 **NORTH OF TYSON ROAD AND EAST OF**
7 **NARCOOSSEE ROAD, ADDRESSED AS 10123**
8 **WILLIAM CAREY DRIVE AND 12345 NARCOOSSEE**
9 **ROAD AND COMPRISED OF 54.16 ACRES OF LAND,**
10 **MORE OR LESS; PROVIDING FOR CONSENT TO THE**
11 **MUNICIPAL SERVICES TAXING UNIT FOR LAKE**
12 **WHIPPOORWILL; PROVIDING FOR SEVERABILITY,**
13 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
14 **EFFECTIVE DATE.**

15
16 **WHEREAS**, on February 8, 2016, the City Council of the City of Orlando, Florida
17 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
18 "petition") bearing the signatures of all owners of property in an area of land generally
19 located south of State Road 417, north of Tyson Road, and east of Narcoossee Road,
20 such land comprised of approximately 54.16 acres of land and being precisely described
21 by the legal description of the area by metes and bounds attached to this ordinance as
22 **Exhibit A** (hereinafter "the property"); and
23

24 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
25 section 171.044, Florida Statutes; and
26

27 **WHEREAS**, at its regularly scheduled meeting of February 16, 2016, the
28 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
29 considered annexation application case number ANX2015-00029, requesting to annex
30 the property into the jurisdictional boundaries of the city; and
31

32 **WHEREAS**, based upon the evidence presented to the MPB, including the
33 information and analysis contained in the "Staff Report to the Municipal Planning Board"
34 for application case numbers ANX2015-00029, GMP2015-00052, GMP2015-00053, and
35 ZON2015-00054 (entitled "Item #2- Pioneers Project"), the MPB recommended that the
36 Orlando City Council approve said application and adopt an ordinance in accordance
37 therewith; and
38

39 **WHEREAS**, the Orlando City Council hereby finds that:

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41 1. As of the date of the petition, the property was located in the unincorporated
42 area of Orange County; and
43

44 2. As of the date of the petition, the property is contiguous to the city within the
45 meaning of subsection 171.031(11), Florida Statutes; and
46

47 3. As of the date of the petition, the property is reasonably compact within the
48 meaning of subsection 171.031(12), Florida Statutes; and
49

50 4. The petition bears the signatures of all owners of property in the area to be
51 annexed; and

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53 5. Annexation of the property will not result in the creation of enclaves within the
54 meaning of subsection 171.031(13), Florida Statutes; and
55

56 6. The property is located wholly within the boundaries of a single county; and
57

58 7. The petition proposes an annexation that is consistent with the purpose of
59 ensuring sound urban development and accommodation to growth; and
60

61 8. The petition, this ordinance, and the procedures leading to the adoption of
62 this ordinance are consistent with the uniform legislative standards provided by the
63 Florida Municipal Annexation and Contraction Act for the adjustment of municipal
64 boundaries; and
65

66 9. The petition proposes an annexation that is consistent with the purpose of
67 ensuring the efficient provision of urban services to areas that become urban in
68 character within the meaning of subsection 171.031(8), Florida Statutes; and
69

70 10. The petition proposes an annexation that is consistent with the purpose of
71 ensuring that areas are not annexed unless municipal services can be provided to those
72 areas; and
73

74 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
75 best interest of the public health, safety, and welfare, and is consistent with the
76 applicable provisions of Florida Statutes and the city's GMP and LDC; and
77

78 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
79 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
80

81 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section
82 171.044, Florida Statutes, and having determined that the owner or owners of the
83 property have petitioned the Orlando City Council for annexation into the corporate limits
84 of the city, and having determined that the petition bears the signatures of all owners of
85 property in the area proposed to be annexed, and having made the findings set forth in
86 this ordinance, the property is hereby annexed into the corporate limits of the City of
87 Orlando, Florida, and the boundary lines of the city are hereby redefined to include the
88 property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
89 is clearly shown on the map attached to this ordinance as **Exhibit B**.
90

91 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida
92 Statutes, the charter boundary article of the city is hereby revised in accordance with this
93 ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
94 revision of the City Charter with the Florida Department of State. The city planning
95 official, or designee, is hereby directed to amend the city's official maps in accordance
96 with this ordinance.
97

98 **SECTION 3. CONSENT TO MUNICIPAL SERVICES TAXING UNIT (MSTU).**
99 Pursuant to section 125.01(1)(q), Florida Statutes, the Orlando City Council hereby
100 consents to the boundaries of the Lake Whipoorwill MSTU for aquatic weed control,
101 general maintenance, and improvements of the lake including that certain part of the
102 corporate territory of the City of Orlando as annexed by this ordinance. The City's

103 consent expires on the date on which Orange County discontinues the MSTU levy. This
104 consent applies only with respect to levies lawfully existing as of the effective date of this
105 ordinance. Additionally, the City's consent is hereby conditioned on the City maintaining
106 its full constitutional authority to levy ad valorem taxes of up to 10 mills for municipal
107 purposes. Therefore, the City's consent provided by this section shall terminate as of the
108 date the Orlando City Council levies an ad valorem millage rate that when added to the
109 MSTU levy would, if the City's consent to the MSTU was not terminated, exceed the
110 constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's
111 ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes
112 without restriction by virtue of the County's MSTU.

113
114 **SECTION 4. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
115 errors found in this ordinance by filing a corrected copy of this ordinance with the city
116 clerk.

117
118 **SECTION 5. SEVERABILITY.** If any provision of this ordinance or its
119 application to any person or circumstance is held invalid, the invalidity does not affect
120 other provisions or applications of this ordinance which can be given effect without the
121 invalid provision or application, and to this end the provisions of this ordinance are
122 severable.

123
124 **SECTION 6. EFFECTIVE DATE.** This ordinance is effective upon adoption,
125 except for sections one and two, which take effect on the 30th day after adoption.

126
127 **DONE, THE FIRST PUBLIC NOTICE,** in a newspaper of general circulation in
128 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
129 _____ day of _____, 2016.

130
131 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
132 Florida, at a regular meeting, this _____ day of _____, 2016.

133
134 **DONE, THE SECOND PUBLIC NOTICE,** in a newspaper of general circulation in
135 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
136 _____ day of _____, 2016.

137
138 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
139 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
140 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
141 _____, 2016.

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ORDINANCE NO. 2016-44

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BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print Name

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Print Name

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