

ORDINANCE NO. 36-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH ONE PARCEL OF LAND LOCATED AT 5185 ATLANTIC AVENUE, COMPRISING APPROXIMATELY 4.87 ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH, PROVIDING FOR INCLUSION OF THE PARCEL INTO THE CITY AND REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUBSECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Alice Clayton, LLC (“Owner”) is the owner of 5185 Atlantic Avenue (“Property”), which measures approximately 4.87 acres and is located on the northwest corner of West Atlantic Avenue and South Military Trail, as more particularly described in Exhibit “A”; and

WHEREAS, Owner designated Sandra J. Megrue of Urban Design Studio (“Applicant”) to act as its agent; and

WHEREAS, the Property is contiguous to the corporate limits of the City of Delray Beach, Florida; and

WHEREAS, the Property is presently under the jurisdiction of Palm Beach County, Florida; and

WHEREAS, the Applicant requested to annex the Property into the City of Delray Beach; and

WHEREAS, the City of Delray Beach may act upon such Voluntary Annexation request pursuant to general law set forth in Section 171.044, Florida Statutes; and

WHEREAS, pursuant to LDR Section 2.2.2(E)(6)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on September 18, 2023, and voted \_ to \_ to recommend that the annexation request be approved; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds that Ordinance No. 36-23 is consistent with the Comprehensive Plan, meets the Criteria set forth in the Land Development Regulations,

and has been adopted pursuant to all procedures set forth in the Florida Statutes.

Section 3. The City Commission of the City of Delray Beach, Palm Beach County, Florida, hereby annexes into the City one parcel of land located in the northwest corner of Atlantic Avenue and South Military Trail, which lies contiguous to said City boundaries, more particularly described in Exhibit “A” – Legal Description and portrayed on the map in Exhibit “B” – Location Map, attached hereto and incorporated herein.

Section 4. The boundaries of the City of Delray Beach, Florida, are hereby redefined to include therein the above-described parcel of land and said land is hereby declared to be within the corporate limits of the City of Delray Beach, Florida.

Section 5. The land hereinabove described shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances and laws to which lands in the City of Delray Beach are now or may be subjected, including the Stormwater Management Assessment levied by the City pursuant to its ordinances and as required by Florida Statutes Chapter 197, and persons residing thereon shall be deemed citizens of the City of Delray Beach, Florida.

Section 6. The City Clerk is hereby directed to provide for the filing of this ordinance with the Clerk of the Circuit Court and the Chief Administrative officer for Palm Beach County, Florida, along with the Department of State, within seven days after its adoption.

Section 7. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 9. This Ordinance shall become effective immediately upon adoption.

Section 10. The City Clerk, or designee, is directed to send a certified copy of this Ordinance to Sandra J. Megrue of Urban Design Studio at 610 Clematis Street, #CU-02, West Palm Beach, FL 33401.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

LESS THE NORTH 57.00 FEET AS CONVEYED TO LAKE WORTH DRAINAGE DISTRICT BY DEED RECORDED IN DEED BOOK 113, PAGE 429, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS ALSO BEING DESCRIBED AS FOLLOWS:

THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST. PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF FOUNTAINS AT DELRAY BEACH, AS RECORDED IN PLAT BOOK 83, PAGES 37 AND 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.88°06'33"W. ALONG THE SOUTH LINE THEREOF, SAID SOUTH LINE BEING THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-33 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 3292, PAGE 941 OF SAID PUBLIC RECORDS, AND THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, A DISTANCE OF 908.70 FEET ; THENCE S.00°21'11"E. ALONG THE WEST LINE OF THOSE CERTAIN LANDS DESCRIBED IN SAID OFFICIAL RECORD BOOK 3292, PAGE 941 AND OFFICIAL RECORD BOOK 18197, PAGE 16 OF SAID PUBLIC RECORDS, SAID LINE BEING THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14, A DISTANCE OF 57.02 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-33 CANAL, AS RECORDED IN DEED BOOK 113, PAGE 429 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°21'11"E. ALONG SAID LINE, A DISTANCE OF 635.42 FEET; THENCE S.88°23'03"W. ALONG THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORD BOOK 18197, PAGE 16, SAID LINE BEING THE SOUTH LINE OF THE WEST ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14, A DISTANCE OF 334.32 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE WEST ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14; THENCE N.00°20'22"W. ALONG THE EAST LINE OF HIGH POINT OF DELRAY WEST - PLAT NO. 2, AS RECORDED IN PLAT BOOK 40, PAGES 114 AND 115 OF SAID PUBLIC RECORDS, AND WEST LINE OF THE WEST ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14, A DISTANCE OF 633.82 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID L-33 CANAL; THENCE N.88°06'33"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 334.21 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 212,066 SQUARE FEET/4.8684 ACRES MORE OR LESS.

**EXHIBIT “B”  
LOCATION MAP**

