

ORDINANCE NO. 21-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH A PARCEL OF LAND LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, WHICH MEASURES APPROXIMATELY 5.08 ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, AND IS SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS PARCEL INTO THE CITY BOUNDARIES AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SECTION 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, Cocoon Development III, LLC, is the fee simple owner of a parcel of land which measures approximately 5.08 acres, located west of Barwick Road, immediately north of Lake Worth Drainage District L-31 Canal, and immediately south of 133rd Road South, at 4594 133rd Road South (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Cocoon Development III, LLC authorized Covelli Design Associates, Inc., to petition the City of Delray Beach to have the subject property annexed into the municipal limits of the City of Delray Beach; and

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

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

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

WHEREAS, pursuant to LDR Section 2.2.2(E)(3)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing and considered the subject matter at its meeting of July 17, 2023, and voted 4 to 3 to recommend that the annexation request not be approved; and

WHEREAS, the City Commission considered the annexation request and has considered the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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 this Ordinance 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 of Delray Beach one parcel of land located west of Barwick Road, immediately north of Lake Worth Drainage District L-31 Canal, and immediately south of 133rd Road South, at 4594 133rd Road South in Palm Beach County, Florida, which lies contiguous to said City boundaries, as more particularly described in Exhibit "A" and shown on Exhibit "B", 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 (7) days after its adoption.

Section 7. All ordinances or parts thereof or parts of the Code conflicting 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.

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 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE SOUTH 20 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE NORHTEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORHTWEST 1/4 OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42, EAST PALM BEACH COUNRY, FLORIDA.

**EXHIBIT "B"**  
**LOCATION MAP**

