

ORDINANCE NO. 21-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, ONE (1) PARCEL OF LAND LOCATED IMMEDIATELY WEST OF SOUTH MILITARY TRAIL AND IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY 3.54± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS ONE (1) PARCEL INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-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, 7-Eleven, Inc. is the fee simple owner of one (1) parcel of land which measures approximately 3.54 acres ± and is located immediately west of South Military Trail and immediately south of Via Delray Boulevard; and

WHEREAS, 7-Eleven, Inc. has petitioned the City of Delray Beach to have the subject property annexed into the municipal limits of the City of Delray Beach; and

WHEREAS, the subject property hereinafter described is contiguous to the corporate limits of the City of Delray Beach, Florida; and

WHEREAS, the subject 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(6) (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 15, 2019, and voted # to # to recommend that the annexation request be approved based upon positive findings; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan and has been adopted pursuant to all procedures set forth at Section 171.044, Florida Statutes.

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

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the City Commission of the City of Delray Beach, Palm Beach County, Florida, hereby annexes into the City the following described, one (1) parcel of land located in Palm Beach County, Florida, which lies contiguous to said City boundaries:

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 11, THENCE WITH A BEARING OF SOUTH 89°20'58" WEST, ALONG THE EAST-WEST QUARTER LINE OF SECTION 11, A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R. 809) THENCE WITH A BEARING OF SOUTH 01°19'42" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL RIGHT-OF-WAY A DISTANCE OF 286.15 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY, AS RECORDED IN O.R. BOOK 2226. PAGE 1210 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL A DISTANCE OF 384.84 FEET; THENCE WITH A BEARING OF SOUTH 89°17'12" WEST, A DISTANCE OF 384.73 FEET; THENCE WITH A BEARING OF NORTH 0°39'02" WEST, A DISTANCE OF 410.40 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY; THENCE WITH A BEARING OF NORTH 89°20'58" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY, A DISTANCE OF 361.89

FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 45°29'22" EAST, A DISTANCE OF 35.46 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE LAND CONVEYED TO PALM BEACH COUNTY DESCRIBED IN THAT CERTAIN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5893, PAGE 1036 AND IN THAT CERTAIN STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 6633, PAGE 172, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

The subject property is located immediately west of South Military Trail and immediately south of Via Delray Boulevard.

See Exhibit "A" Map depicting area of annexation, incorporated herein

Section 3. That 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 4. That 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 5. Filing. 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 6. Repeal of Conflicting Ordinance. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. Severability. 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 8. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this day of _____, 2019.

Shelly Petrolia, Mayor
ATTEST:

Katerri Johnson, City Clerk

First Reading _____
Second Reading _____

Approved as to form and legal sufficiency:

City Attorney