

ORDINANCE NO. 44-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH THREE (3) PARCELS OF LAND LOCATED ON THE EAST SIDE OF BARWICK ROAD IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, FOR A PROJECT TO BE KNOWN AS BANYAN COURT, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY 6.68± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THESE THREE (3) PARCELS 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, Andrew V. Podray is the fee simple owner of three (3) parcels of land which measure approximately 6.68 acres ± and are located on the east side of Barwick Road immediately south of the Lake Worth Drainage District L-30 Canal; and

WHEREAS, Andrew V. Podray 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(E)(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 October 15, 2018, and voted 6 to 0 to recommend that the annexation request be approved; and

WHEREAS, the City Commission of the City of Delray Beach finds the 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.

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, Palm Beach County, Florida, hereby annexes into the City three (3) parcels of land located immediately east of Barwick Road and immediately south of the Lake Worth Drainage District L-30 Canal in Palm Beach County, Florida, which lies contiguous to said City boundaries, more particularly described in Exhibit "A" and portrayed on the map in Exhibit "B," attached hereto and incorporated herein.

Section 3. The boundaries of the City of Delray Beach, Florida, are hereby redefined to include therein the above-described three (3) parcels of land and said land is hereby declared to be within the corporate limits of the City of Delray Beach, Florida.

Section 4. 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. 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. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. 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. 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.

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**

### **Parcel I**

The North 549.75 feet of the West one-quarter (W1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, Palm Beach County Florida, less the West 40.00 feet of road right-of-way recorded in O.R. Book 52, Page 576, more particularly described as follows: The West 40 feet of the Northwest One-Quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, less and except the Lake Worth Drainage District Canal L-30.

### **PARCEL II AND III**

The North 521.00 feet of the South 771.00 feet of the West one-quarter (W1/4) of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, Palm Beach County Florida, less the West 40.00 feet for road right-of-way, more particularly described as follows:

Commencing at the Southwest corner of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East; thence run N00°00'00"E, along the West line of said Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4), a distance of 250.13 feet to a point on said West line, also being the center line of Barwick Road, (80 Foot Right-Of-Way); thence Run S88°10'24"E a distance of 40.00 feet to a point on the East right-of-way line of Barwick Road and the point of beginning; thence continue along the last described course, a distance of 295.82 feet to a point on the East line of the West one-quarter (W 1/4) of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of said Section 12; thence run N00°04'35"E, along said East line, a distance of 521.24 feet to a point; thence run N88°10'25"W a distance of 296.52 feet to a point on the East right-of-way line of Barwick Road; thence run S00°00'00"W, along said East right-of-way line, a distance of 521.26 feet to the point of beginning. Containing 290,906.54 square feet, or 6.678 acres.

The subject property is located on the east side of Barwick Road and immediately south of Lake Worth Drainage District L-30 canal.

**EXHIBIT B: ANNEXATION AREA**

