

ORDINANCE NO. 46-20

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 BARWICK ROAD AND IMMEDIATELY SOUTH OF CANAL L-30 AT 13029 BARWICK ROAD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN; COMPRISING APPROXIMATELY ONE ACRE 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, Robert and Andrea Keiser (“Property Owner”) are the fee simple owners of one (1) parcel of land which measures approximately one acre and is located immediately west of Barwick Boulevard and immediately south of Canal L-30 at 13029 Barwick Road (“Parcel”); and

WHEREAS, Property Owner has petitioned the City of Delray Beach to have the Parcel annexed into the municipal limits of the City of Delray Beach; and

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

WHEREAS, the Parcel 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 for the City of Delray Beach, sitting as the Local Planning Agency, considered the subject matter at a public hearing on August 17, 2020, and voted __ to __ to recommend to the City Commission that the annexation request be _____; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan and meets the criteria set forth in the 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, Palm Beach County, Florida, hereby annexes into the City one (1) parcel of land located immediately west of Barwick Road and immediately south of Canal L-30 at 13029 Barwick Road in Palm Beach County, Florida, which lies contiguous to said City boundaries, more particularly described in Exhibit "A," 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 parcel 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 _____, 2020.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn, Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT A – 1 OF 2

DESCRIPTION:

A PORTION OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 159.0 FEET OF THE NORTH 299.0 FEET OF THE EAST 249.0 FEET OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$), LESS THE EAST 40.0 FEET FOR COUNTY ROAD RIGHT-OF-WAY, OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 50.25 FEET OF THE NORTH 140.25 FEET OF THE EAST 249.00 FEET OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$), LESS THE EAST 40 FEET FOR COUNTY ROAD RIGHT-OF-WAY OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

BEING ALSO DESCRIBED AS:

A PORTION OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERN NORTHEAST CORNER OF BEXLEY PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 102, PAGES 48 THROUGH 56, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY EXTENSION OF A EAST LINE OF SAID BEXLEY PARK, BEING COINCIDENT WITH A LINE 249.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 12, NORTH $01^{\circ}14'48''$ WEST A DISTANCE OF 50.29 FEET; THENCE ALONG A LINE 90.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL THE THE NORTH LINE OF SAID NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION 12, SOUTH $89^{\circ}02'23''$ EAST A DISTANCE OF 209.16 FEET; THENCE ALONG A LINE 40.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID EAST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION 12, SOUTH $01^{\circ}14'48''$ EAST A DISTANCE OF 209.16 FEET; THENCE ALONG A LINE 299.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID NORTH LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION 12, NORTH $89^{\circ}02'23''$ WEST A DISTANCE OF 209.16 FEET TO AN INTERSECTION WITH SAID EAST LINE OF BEXLEY PARK; THENCE ALONG SAID EAST LINE, NORTH $01^{\circ}14'48''$ WEST A DISTANCE OF 158.87 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 43,714 SQUARE FEET (1.004 ACRES), MORE OR LESS.

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