

DRAFT ORDINANCE NO. 19-024

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **367 SMALLWOOD AVENUE IN FORT PIERCE, FLORIDA** AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2019; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Part I, Chapter 171, Florida Statutes, sets forth a procedure for Municipal Annexation; and;

WHEREAS, in accordance with Chapter 171.044 F.S., the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may apply to the governing body of said municipality to have said property be annexed to the municipality; and

WHEREAS, the owners have submitted an application petitioning the property to be annexed to the municipality of the City of Fort Pierce through a Fort Pierce Utilities Authority Annexation Agreement, as depicted on Exhibit "C;" and

WHEREAS, the application bears the signature(s) of current and/or former owner(s) of property in the area proposed to be annexed; and

WHEREAS, the Grantor identified in each Fort Pierce Utilities Authority Annexation Agreement represents themselves, their heirs, successors, and assigns in regards to the subject property and also waives any and all objection to annexation of the property; and

WHEREAS, the City of Fort Pierce Planning Board, at their May 14, 2019, meeting, voted X to X to recommend approval of the request; and

WHEREAS, in accordance with Policy Section 4.1.1 of the Joint Planning Agreement between the City of Fort Pierce and St. Lucie County, the City Planning Department has provided notice of this annexation by mail to the St. Lucie County Administrator's Office by May 4, 2019, no fewer than thirty (30) days prior to the first reading of this annexation by the City Commission of the City of Fort Pierce, Florida; and

WHEREAS, in accordance with Chapter 171.044(6) of the Florida Statutes, the City Planning Department has provided notice of this annexation, via certified mail, to the St. Lucie County Board of County Commissioners by May 16, 2019, no fewer than ten (10) days prior to publishing or posting the ordinance notice; and

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. The territorial limits of the City of Fort Pierce, Florida, are hereby extended, as depicted on Exhibit "A," attached hereto and incorporated herein; and annexed into the City:

Parcel ID: 3403-433-0002-000-0

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER, RUN SOUTH 150 FEET; THENCE RUN WEST 150 FEET TO POINT OF BEGINNING; THEN RUN NORTH 25 FEET; THENCE RUN WEST 100 FEET; THENCE SOUTH 57.5 FEET; THENCE RUN EAST 100 FEET; THENCE RUN NORTH 32.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN SECTION 3, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA.

AND

BEGINNING AT A POINT 150 FEET WEST OF THE NE CORNER OF THE SW ¼ OF THE SW ¼ OF THE SE ¼ OF SECTION 3, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA FOR THE POINT OF BEGINNING; THENCE WEST 100; THENCE SOUTH 125 FEET; THENCE EAST 100 FEET, THENCE NORTH 125 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING THEREFROM THE NORTH 25 THEREOF, FOR INGRESS AND EGRESS.

Said property containing 0.36 acres, more or less, and being generally located at 367 Smallwood Avenue in Fort Pierce, Florida.

SECTION 2. That the St. Lucie County Property Appraiser and the St. Lucie County Tax Collector are directed to place upon and add to the assessment roll, and to collect taxes on the land described in Exhibit "A" hereof as of January 1, 2019, and subsequent years, and to enter the same at such valuation that it will bear an equal and just proportion of taxes as of that date and subsequent years.

SECTION 3. That upon this ordinance becoming effective, the land herein described in Exhibit "A" and annexed into the territorial limits of the City of Fort Pierce shall be zoned C-3, General Commercial, and assigned a Future Land Use Designation of CG, General Commercial, as depicted on Exhibit "B" attached hereto and incorporated herein.

SECTION 4. That in accordance with Chapter 171.044(3), this ordinance shall be filed with clerk of the circuit court, the chief administrative officer of St. Lucie County, and the Department of State within seven (7) days after adoption.

SECTION 5. That in accordance with Chapter 171.091, any change in the City boundaries through annexation shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within thirty (30) days; and a copy of such revision shall be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

SECTION 6. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 7. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 8. This Ordinance shall be and become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

Pete Sweeney
City Attorney
STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 19-024 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, May 26, 2019 and Sunday, June 2, 2019; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 3, 2019; and was duly introduced, read by title only, and passed on second and final reading June 17, 2019, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HERewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 17th day of June, 2019.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)

EXHIBIT B
Zoning & Future Land Use Designation Assignment



The property to be annexed is currently zoned GC, General Commercial with a Future Land Use of COM, Commercial. Once annexed, this parcel will have a City of Fort Pierce Zoning Designation of C-3, General Commercial and have a Future Land Use Designation of GC, General Commercial.

EXHIBIT C

Fort Pierce Utilities Authority Annexation Agreement

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 2689075 OR BOOK 2334 PAGE 1136, Recorded 08/16/2005 at 12:40 PM



RECORDED 12/18/04

RETURN TO: BOX 24 141 This instrument prepared by Julie Sizemore Fort Pierce Utilities Authority P.O. Box 3191, Fort Pierce, Florida 34948-3191 Property Appraisers Parcel Identification (Folio) Number(s): 340343300020000	ANNEXATION AGREEMENT INDIVIDUAL
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To: Customer Service Fort Pierce Utilities Authority P.O. Box 3191 Fort Pierce, FL 34948-3191	367 SMALLWOOD AV Location Address 367 SMALLWOOD AV, FT PIERCE, FL 34982 Mailing Address (if different from location address)
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Dear Sir:
 The undersigned does hereby apply to the Fort Pierce Utilities Authority for water service and/or sewer service outside the City limits of the City of Fort Pierce, Florida to the following-described property which I own, to wit:
 SEE ATTACHED EXHIBIT A

The above-described property is the homestead of the Grantor(s). If not the homestead, the Grantor(s) Reside(s) at SAME

I hereby agree that in consideration of my request for water service and/or sewer service to my property, that if my property becomes contiguous to the City limits of the City of Fort Pierce, Florida, as such term is defined in the Laws of Florida, or may otherwise be lawfully annexed, that this application shall be considered as an application for the annexation of my property (above-described) into the City of Fort Pierce, Florida. I do also hereby for myself, my heirs, successors and assigns approve the annexation of my property into the City of Fort Pierce, Florida and consent thereto in the event that it, or any area including it, is proposed for annexation by election or otherwise. I waive any and all objections to annexation of the property and agree that this Agreement shall be construed to satisfy any requirements of law for consent to, or approval of, such annexation now or hereafter required.

I further confirm that this Agreement shall be binding upon my heirs, successors or assigns and that this document may be recorded in the Public Records of St. Lucie County, Florida for the purpose of serving as notice to all persons or entities.

In Witness Whereof, We hereunto set Our hand(s) and seal this 1st day of December, 2004.

Signed, sealed and delivered in our presence as witnesses:

Julie Sizemore
 Witness Signature

JULIE SIZEMORE
 Printed Witness Signature

Mary Thomas
 Witness Signature

MARY THOMAS
 Printed Witness Signature

STATE OF Florida

COUNTY OF St. Lucie

Rodney L Davis
 Signature

RODNEY L DAVIS
 Printed Signature

367 SMALLWOOD AV
 Address

FORT PIERCE, FL 34982
 City, State, Zip

Betty E Davis
 Signature

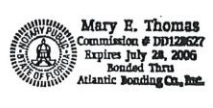
BETTY E DAVIS
 Printed Signature

367 SMALLWOOD AV
 Address

FORT PIERCE, FL 34982
 City, State, Zip

I hereby certify that on this day before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared RODNEY L DAVIS & BETTY E DAVIS, HIS WIFE known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that They executed the same, that I relied upon the following form(s) identification of the above-named person(s): (Personally known to me) R.L.D. & B.E.D. and that an oath was not taken.

RUBBER STAMP NOTARY SEAL



Witness my hand and official Seal in the County and State last
 Aforesaid this 1 day of Dec A.D. 2004
Mary Thomas
 Notary Signature
Mary Thomas
 Notary Printed Signature

EXHIBIT C (Continued)
Fort Pierce Utilities Authority Annexation Agreement

OR BOOK 2334 PAGE 1137

EXHIBIT A

Commencing at the Northeast corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter, run South 150 feet; thence run West 150 feet to Point of Beginning; thence run North 25 feet; thence run West 100 feet; thence South 57.5 feet; thence run East 100 feet; thence run North 32.5 feet, more or less, to the Point of Beginning, all in Section 3, Township 36 South, Range 40 East, St. Lucie County, Florida.

and

Beginning at a point 150 feet West of the NE corner of the SW 1/4 of the SW 1/4 of the SE 1/4 of Section 3, Township 36 South, Range 40 East, St. Lucie County, Florida. for the Point of Beginning; thence West 100 feet; thence South 125 feet; thence East 100 feet; thence North 125 feet to the Point of Beginning. LESS AND EXCEPTING THEREFROM the North 25 feet thereof, for INGRESS AND EGRESS.