

ORDINANCE NUMBER 24-05A

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, REPEALING ORDINANCE NUMBER 24-05 AND ADOPTING A REPLACEMENT ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF CERTAIN REAL PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF EUSTIS PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS AND RECITALS; PROVIDING FOR THE INCORPORATION OF A COMPLETE METES-AND-BOUNDS LEGAL DESCRIPTION AND LOCATION MAP; PROVIDING FOR FILING AND NOTICE REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application and voluntary petition for annexation of the property described herein was submitted to the City pursuant to Section 171.044, Florida Statutes; and

WHEREAS, the City Commission of the City of Eustis, Florida ("City Commission"), previously adopted Ordinance Number 24-05 approving the voluntary annexation of approximately 6.67 acres of real property located on the west side of South Fishcamp Road, north of County Road 44, generally identified by Lake County Alternate Key Numbers 1213355 and 1213347; and

WHEREAS, subsequent review determined that Ordinance Number 24-05 referenced abbreviated property appraiser parcel descriptions and did not include a complete metes-and-bounds legal description of all lands intended to be annexed; and

WHEREAS, Section 171.044(3), Florida Statutes, requires that an annexation ordinance include a complete legal description and a map of the area to be annexed; and

WHEREAS, annexation statutes are strictly construed under Florida law, and compliance with statutory requirements is necessary to ensure the validity and enforceability of municipal boundary changes; and

WHEREAS, the City Commission finds it necessary and appropriate to repeal Ordinance Number 24-05 in its entirety and adopt this Ordinance as a repeal-and-replace corrective measure, incorporating a complete metes-and-bounds legal description of the property intended to be annexed, while preserving the original legislative intent and scope of the annexation; and

WHEREAS, the owner(s) of the property described herein have voluntarily petitioned the City for annexation pursuant to Section 171.044, Florida Statutes; and

WHEREAS, the City Commission finds and determines that the property proposed for annexation: (1) is contiguous to the existing corporate limits of the City; (2) is reasonably compact and not enclave-creating; (3) lies within the City's planning area; (4) can be served by municipal services, including but not limited to central water service, either presently available or planned to be provided in accordance with adopted service plans; and (5) is appropriate for annexation into the City in the interest of orderly growth and development; and

WHEREAS, notice of intent to adopt this Ordinance has been provided in the manner and form required by law, including publication once each week for two (2) consecutive weeks, and availability of the complete legal description with the Office of the City Clerk; and

WHEREAS, the City Commission has conducted two duly noticed public hearings on this Ordinance, in accordance with applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA:

Section 1. Repeal. Ordinance Number 24-05 is hereby repealed in its entirety.

Section 2. Voluntary Annexation. Pursuant to Section 171.044, Florida Statutes, the real property described in Exhibit B, attached hereto and incorporated herein by reference, is hereby voluntarily annexed into the corporate limits of the City of Eustis, Florida. The annexed property includes all lands comprising Lake County Alternate Key Numbers 1213355 and 1213347, as more particularly described by metes and bounds in Exhibit B. In the event of any inconsistency, the metes-and-bounds legal description contained in Exhibit B shall control.

Section 3. Incorporation of Exhibits. The Exhibits below are hereby adopted and incorporated as if fully set forth herein.

- A. **Exhibit A** consists of a location map depicting the property annexed by this Ordinance.
- B. **Exhibit B** consists of the complete metes-and-bounds legal description of the property annexed by this Ordinance.

Section 4. Municipal Jurisdiction. Upon the effective date of this Ordinance, the annexed property shall be subject to the jurisdiction, powers, authority, ordinances, and regulations of the City of Eustis, Florida, as provided by law.

Section 5. Filing and Notice. The City Clerk is hereby directed to file certified copies of this Ordinance and any required documentation with the Clerk of the Circuit Court of Lake County, the Florida Department of State, Lake County, and any other agencies as required by law, within the timeframes prescribed by statute, including the filing of updated municipal boundary information and including the filing of the municipal boundary change and population/land area statement with the Florida Department of State as required by law.

Section 6. Severability. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

EMILY A. LEE
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this _____ day of _____, 2026 by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public – State of Florida
My Commission Expires: _____
Notary Serial No. _____

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance by the City Commission of the City of Eustis, Florida. However, I have not conducted an independent verification of the legal description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 24-05A is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

That portion of Land lying in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, Township 18 South, Range 26 East, Lake County, Florida, more particularly described as follows:

Commence at the NW Corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, Township 18 South, Range 26 East and Run South along the West line of the NW Section of Section 32, Township 18 South, Range 26 East, N00°57'49" West a distance of 496.72 feet, thence departing the aforementioned Section Line, Run N78°20'07" East a distance of 300.43 feet to the Point of Beginning, thence continue N78°20'07" East a distance of 1,028.31 feet to the West line of the Right of Way of S Fish Camp Road, thence run South along said Right of Way, S00°49'39" E a distance of 26.80 feet, then Run S89°12'17" West a distance of 7.00 feet, thence Run S00°49'39" East a distance of 347.81 feet, thence Run S87°47'20" West a distance of 1003.26 feet, thence Run N00°49'39" West a distance of 205.48 feet to the Point of Beginning.

EXHIBIT B

