

ORDINANCE NO. 2023-22

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ANNEXING ELEVEN PARCELS OF LAND TOTALING APPROXIMATELY 3.7109 ACRES, LOCATED AT 4205, 4222, 4220, 4210, 4168, 4194, 4221, 4239 SOUTH HAVERHILL ROAD, 4960 AND 4944 THOMAS AVENUE, AND 5051 FLORY DRIVE, AS REQUESTED BY THE PETITIONERS DOLLY RODRIGUEZ & HEMAN PANCHOOSINGH, DOLLY & CLAUDIA RODRIGUEZ, GERALDO & CARISSA VIEIRA, 4210 HAVERHILL LLC, 4220 HAVERHILL ROAD LLC, RONALD LAMNECK, CLAUDIA RODRIGUEZ & HEMAN PANCHOOSINGH, DOLLY RODRIGUEZ & HEMAN PANCHOOSINGH, LOCAL BOY LLC; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE CITY OF GREENACRES TO INCLUDE THE SUBJECT PROPERTY IN THE CITY'S OFFICIAL BOUNDARY MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Dolly Rodrigueuz & Heman Panchoosingh, Dolly & Claudia Rodriguez, Geraldo & Carissa Vieira, 4210 HAVERHILL LLC, 4220 HAVERHILL ROAD LLC, Ronald Lamneck, Claudia Rodriguez & Heman Panchoosingh, Dolly Rodriguez & Heman Panchoosingh, and LOCAL BOY LLC, are herein known as the "Petitioner" for the described properties; and;

WHEREAS, the Petitioner has requested by written petition to have the described properties voluntarily annexed into the municipal limits of the City of Greenacres; and

WHEREAS, the subject properties hereinafter described are reasonably compact and contiguous to the corporate limits of the City of Greenacres, thus making said petition for annexation appropriate at this time; and

WHEREAS, the City of Greenacres has heretofore been authorized to annex lands in accordance with Section 171.044, Florida Statutes; and

WHEREAS, the City of Greenacres Planning and Zoning Board of Appeals held a duly advertised public hearing on January 11, 2024 and recommended approval of petition ANX-23-04 to annex the subject property into the City of Greenacres; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with the Development and Neighborhood Services Staff Report and Recommendation dated January 05, 2024, as amended, attached hereto as Exhibit “A” and by this reference made a part hereof, the proposed annexation of the described properties is in the best interest of the citizens of the City of Greenacres, and is in accordance with State and local law; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council finds that the Petitioner’s written petition for voluntary annexation filed with the City bears the signature of the owners of the real property described herein and the real property is hereby annexed into the City of Greenacres, Florida.

SECTION 2. The boundary lines of Greenacres, Florida, are hereby redefined to include the described real property lying in Palm Beach County into the City’s Boundary Map:

Legal Description

PCN: 00-42-44-25-00-000-3170

Parcel 1

The West 264 feet of the South 66 1/2 feet of the North 532 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 44 feet thereof, and LESS a parcel of land for road right of way purposes in the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, County of Palm Beach, State of Florida, and more particularly described as follows:

All that portion of the South 66.5 feet of the North 532 feet of the West 264 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 25 lying West of the proposed East right of way line of Haverhill Road as shown on the right-of-way map recorded in Road Plat Book 5, Pages 16 and 17, Public Records of said County; LESS the existing right-of-way as described by deed recorded in Deed Book 62, page 31, Public Records of said County over and across the West 25 feet of the above described portion of land.

PCN: 00-42-44-25-00-000-3160

Parcel 2

The South 66.50 feet of the North 532.00 feet, LESS the West 220.00 feet thereof, of the West half (W ½) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3150

Parcel 3

The North 66 ½ feet of the South 133 feet of the North 532 feet of the west half of the Southwest quarter of the Northwest quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3180

Parcel 4

The South 133 feet of the North 399 feet of the West ½ of the Southwest ¼ of the Northwest ¼ of the Northwest 14 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

4168 S Haverhill Rd (PCN: 00-42-44-25-00-000-3210

Parcel 5

The West ½ of the South 66.33 feet of the South 133 feet of the North 266 feet of the West ½ of the South West ¼ of the Northwest ¼ of the Northwest ¼ of Section 25, Township 44 South, Range 42 East, (less the West 40 feet of RD R/W), as recorded in the Official Records of Palm Beach County, Florida, O.R. Book 7286, Page 1059.

PCN: 00-42-44-25-00-000-3190 & PCN: 00-42-44-25-00-000-3200),

Parcel 6 and 7

Parcel 1: The West 90 feet of the East Half of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel 2: The South 66.33 feet of the North 266 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter, LESS the West 255 feet thereof, Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida. Together with the Grant of Easement recorded in O.R. Book 19117, Page 1604, Public Records of Palm Beach County, Florida, more particularly described as follows: The North 20 feet of the South 133 feet of the North 399 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0060

Parcel 8

Lot 6, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0070

Parcel 9

Lot 7, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0080

Parcel 10

Lots 8 and 9, in Florwood, a subdivision of the East ½ of the Southwest ¼ of the Northeast ¼ of Section 26, Township 44 South, Range 42 East, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0050

Parcel 11

Lot 5, Florwood Subdivision, according to the plat thereof, recorded in Plat Book 23, Page 13 of the Public Records of Palm Beach County, Florida.

AND:

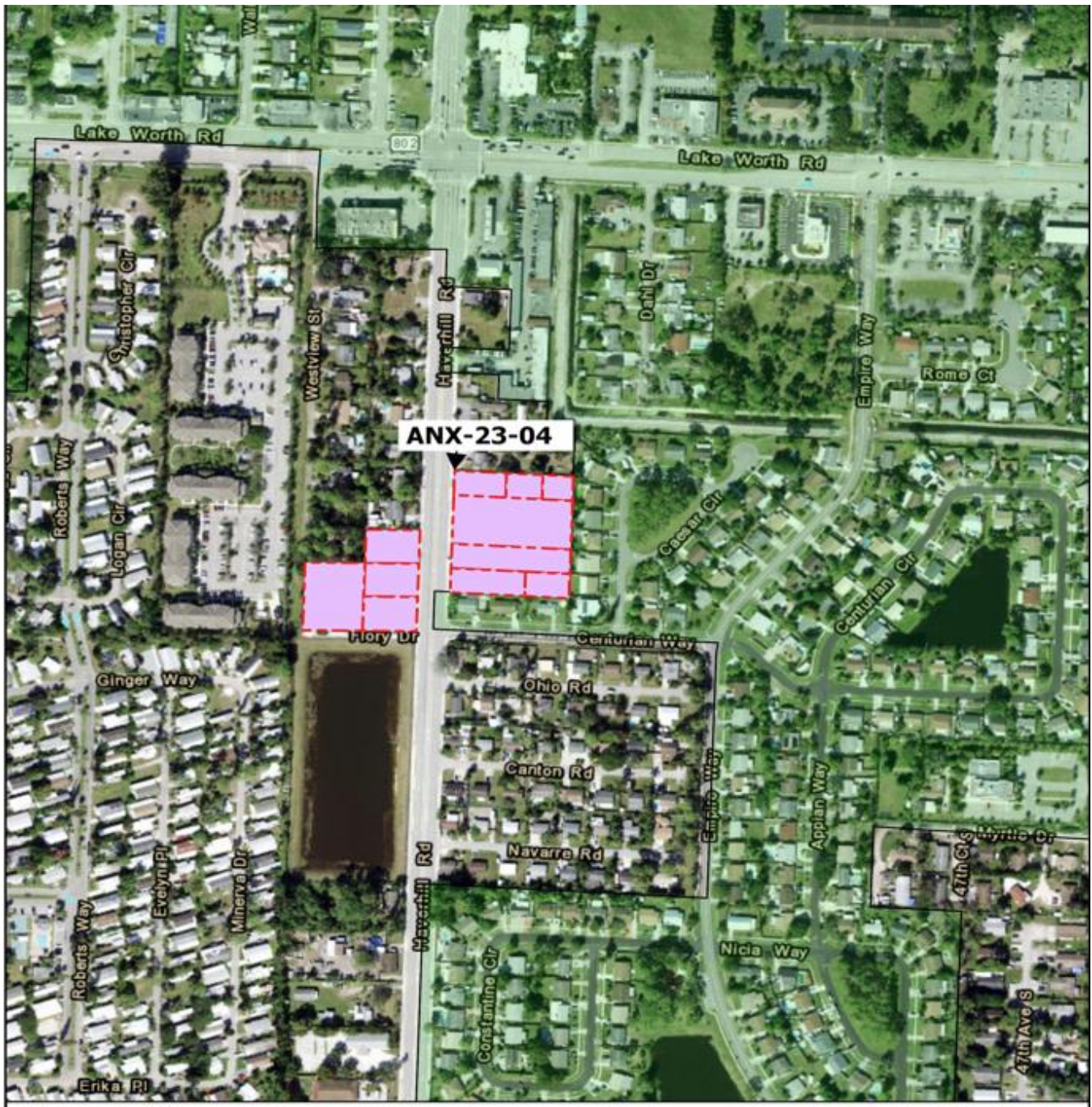
The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 3.7109 ACRES MORE OR LESS.

The above-described real property are subject to road rights-of-way, easements and reservations of record.

The above-described real property is hereby annexed by and declared to be within the corporate limits of the City of Greenacres, Florida.

Location Map



Section 3. That the above-described real property shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances, and laws to which lands in the City of Greenacres are now or may be subjected to and persons residing thereon shall be deemed citizens of the City of Greenacres.

Section 4. The annexation of the above described real property, including adjacent roads, alleys, or the like, if any, shall not be deemed accepted by the City for any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

Section 5. The real property with Property Control Numbers (PCN): 00-42-44-25-00-000-3210, 00-42-44-25-00-000-3200, 00-42-44-25-00-000-3190, 00-42-44-25-00-000-3150, 00-42-44-25-00-000-3170, 00-42-44-25-00-000-3160, and 00-42-44-25-00-000-3180 are currently zoned in unincorporated Palm Beach County as Medium Residential (RM) with existing dwelling units. Additionally, the real property with PCN: 00-42-44-25-00-000-3180 (hereinafter referred to as the “Rodriguez Property” within this section) has for several years been utilized for Agricultural Residential (AR) uses including the operation of a landscape lawn maintenance business with associated accessory office and on-site landscape vehicle parking as further shown on the Palm Beach County Property Appraiser Office’s most recent aerial photographs and pictometry (prior to the effective date of this Ordinance). Upon annexation by the City of Greenacres, the Rodriguez Property may continue its existing aforementioned AR operations under the terms outlined in the Annexation Agreement attached hereto as **Exhibit “B”** and incorporated herein.

Section 6. The real property with Property Control Numbers (PCN): 00-42-44-26-01-000-0080, 00-42-44-26-01-000-0070, 00-42-44-26-01-000-0060, 00-42-44-26-01-000-0050, and 00-42-44-26-01-000-0040 are currently zoned in unincorporated Palm Beach County as Agricultural Residential (AR). Additionally, the real property with PCN: 00-42-44-26-01-000-0060 and 00-42-44-26-01-000-0070 (“Lamneck Property”) has for several years been solely

utilized for the specific operation of AR landscaping and tree care service business as further shown on the Palm Beach County Property Appraiser Office's most recent aerial photographs and pictometry (prior to the effective date of this Ordinance). The Lamneck Property may continue AR uses as they existed as of the effective date and under the terms outlined in the Annexation Agreement attached hereto as **Exhibit "C"** and incorporated herein.

Section 7. The City Manager is hereby directed to do all things necessary to effectuate this annexation.

Section 8. Repeal of Conflicting Ordinances. All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 9. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 10. Effective Date. The provisions of this Ordinance shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this _____ day of _____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney