

ORDINANCE NO. 2023-23

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ANNEXING TWO PARCELS OF LAND TOTALING APPROXIMATELY 6.22 ACRES, LOCATED APPROXIMATELY 1,300 FEET EAST OF SOUTH HAVERHILL ROAD AND APPROXIMATELY 1,000 FEET SOUTH OF MELALEUCA LANE, AT 4964 GARDNER LANE AND THE ADJACENT LAKE WORTH DRAINAGE DISTRICT DRAINAGE RIGHT-OF-WAY AS REQUESTED BY MCKENNA WEST OF COTLEUR HEARING, AGENT FOR THE OWNER 4964 GARDNER LANE LLC AND THE DEVELOPMENT & NEIGHBORHOOD SERVICES DEPARTMENT, AGENT FOR THE CITY OF GREENACRES AND THE LAKE WORTH DRAINAGE DISTRICT (LWDD) PETITIONER, IN ACCORDANCE WITH CHAPTER 171.0413 OF THE FLORIDA STATUTES; 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, McKenna West and the Development and Neighborhood Services Dept, is herein known as the "Petitioner" for the herein described property; and; and

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

WHEREAS, the subject property hereinafter described is 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 of the Florida Statutes; and

WHEREAS, the City of Greenacres Planning Zoning and Appeals Board has held a duly advertised public hearing on January 11, 2024 and recommended approval of petition ANX-23-02 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 5, 2024, as amended, attached hereto as Exhibit "A" and by this reference made a part hereof, the proposed annexation of the subject property 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 written petition for voluntary annexation filed with the City bears the signature of the owners of the real property and 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: 00-42-44-25-00-000-7176

The South one-half of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less the South 110 foot Lake Worth Drainage District L-14 Canal Right of Way per Deed Book 67, Page 561; Chancery Case 407 per Official Records Book 23602, Page 807, all of the Public records of Palm Beach County, Florida.

Said lands situate in the City of Lake Worth, Palm Beach County, Florida containing 156,786 square feet (3.599 acres) more or less.

PCN: 00-42-44-26-00-000-6760 (Partial)

Property that sits at LWDD L-14 Canal R/W (Less PT in E ¼ of W ½ of S ¼ & W ¼ of W ¼ of S ¼), West of Military Trail ROW and excluding that area East of Military Trail ROW

As further described by metes and bounds as: Commencing at the Southwest Corner of Section 25, Township 44 South, Range 42 East, THENCE South 86 degrees, 53 minutes, 43 seconds East for a distance of 988.73 feet to a Point of Beginning: Thence North 01 degree, 24 minutes, 15 seconds East a distance of 72.41 feet, THENCE South 86 degrees, 53 minutes, 43 seconds East a distance of 342.92 feet, THENCE North 01 degree, 24 minutes 15 seconds East a distance of 27.63 feet, THENCE South 86 degrees, 53 minutes, 43 seconds East a distance of 665.92 feet, THENCE South 01 degree 26 minutes 08 seconds West a distance of 100.04 feet, THENCE North 86 degrees, 53 minutes, 43 seconds West a distance of 1009.55 feet to the Point of Beginning.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 6.22 ACRES MORE OR LESS.

The above-described parcel is 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



Annexations

ANX-23-02

City Boundary

Date: 12/28/2023
City of Greenacres - Department of
Development & Neighborhood Services

Current Annexation Map
City of Greenacres



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 subject property, including adjacent roads, alleys, or the like, if any, shall not be deemed accepted by the City of 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 Property at Property Control Numbers (PCN) 00-42-44-25-00-000-7176 is currently zoned as Agricultural Residential (AR) and for several years has been utilized for Agricultural Residential (AR) uses for the operation of a Wholesale Nursery through a Concurrency Reservation (CONR-2016-561) and a Special Permit (SPWN-2016-816), along with approval of the accessory use of Landscape Services (PCN-2015-2463). Upon annexation by the City of Greenacres, the property may continue its existing Wholesale Nursery and accessory Landscape Services uses under the terms outlined in the Annexation Agreement attached hereto and incorporated herein as Exhibit "B".

SECTION 6. The City Manager is hereby directed to do all things necessary to effectuate this annexation.

SECTION 7. 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 8. 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 9. 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 6th day of May, 2024.

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

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Judith Dugo, Deputy Mayor

Voted:
John Tharp, Council Member, District I

Voted:
Peter Noble, Council Member, District II

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