

ORDINANCE NO. 2021-01

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ANNEXING THREE (3) PARCELS OF LAND TOTALING APPROXIMATELY 10.58 ACRES, LOCATED ON THE WEST SIDE OF RANCHETTE ROAD AT 1281, 1283 AND 1351 RANCHETTE ROAD, AS REQUESTED BY THE PETITIONER, URBAN DESIGN KILDAY STUDIOS, AGENT FOR THE OWNERS, JAMES H. HENRY AND ELONA I. HENRY REVOCABLE TRUST/HENRY HOLDINGS, INC., AND JOSEPH AND VICKI BYRNE; 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, Urban Design Kilday Studios, agent for the owners, James H. Henry and Elona I. Henry Revocable Trust/Henry Holdings, Inc. and Joseph and Vicky Byrne is herein known as the "Petitioner" for the herein described property; 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 Commission has held a duly advertised public hearing on February 17, 2021 and recommended approval of petition ANX-20-02 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 Land Development Staff Report and Recommendation dated January 28, 2021, 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.

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

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

PCNs: 00-42-44-10-00-000-1070

The North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 10, Township 44 South, Range 42 East; Less the East 30 feet thereof heretofore conveyed to the County of Palm Beach, in the State of Florida, for road right-of-way. LESS AND EXCEPT the following: West two feet six inches of the North Half (N ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of the Northeast Quarter (N ¼) of Section 10, Township 44 South, Range 42 East, lying and situate in Palm Beach County, Florida; LESS AND EXCEPT the North 14 feet six inches thereof.

PCNs: 00-42-44-10-00-000-1020

The North 125.90 feet of the South $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, Township 44 South, Range 42 East, Public Records of Palm Beach County, Florida, less and except the East 30 feet thereof.

PCNs: 00-42-44-10-00-000-1010

The south $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 10, Township 44 South, Range 42 East, Palm Beach County, Florida, Less the East 30 feet thereof and Less the North 125.90 feet thereof.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 10.58 ACRES MORE OR LESS.

The above described parcel is subject to road right-of-ways, 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.

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

Section 6. The City Clerk is hereby directed to file a copy of this Ordinance with the Clerk of the Circuit Court, Palm Beach County and with the Department of State.

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 its adoption.

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Passed on the first reading this 15th day of March, 2021.

PASSED AND ADOPTED on the second reading this __ day of _____,
2021.

Voted

Joel Flores
Mayor

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Judith Dugo
Deputy Mayor

Attest:

Quintella Moorner
City Clerk

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John Tharp
Council Member, District I

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Peter Noble
Council Member, District II

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Jonathan G. Pearce
Council Member, District IV

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Paula Bousquet
Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia
City Attorney