

**ORDINANCE 2023-008**

**AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN BOUNDARIES; ANNEXING INTO THE TOWN PURSUANT TO (i) CHAPTER 171, FLORIDA STATUTES, AND (ii) THE 2013 INTERLOCAL SERVICE BOUNDARY AGREEMENT AMONG THE TOWN, LAKE COUNTY, AND CERTAIN OTHER MUNICIPALITIES, AS AMENDED, FOUR PARCELS OF LAND TOTALING APPROXIMATELY 160 ACRES LOCATED GENERALLY NORTH OF NUMBER TWO ROAD AND EAST OF BLOOMFIELD AVENUE; PROVIDING FOR RECORDING AND FOR NOTICE TO THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY; PROVIDING EFFECTIVE DATES AND A POTENTIAL SUNSET DATE.**

**WHEREAS**, a petition was received in 2022 from Tim Loucks and Blue Sky Capital, LLC, as agent for then-owner Daryl M Carter, Trustee, to annex the approximately 161 acres of land described in Exhibit A to this ordinance (“**Property**”) and located generally north of Number Two Road and east of Bloomfield Avenue into the corporate limits of the Town of Howey-in-the-Hills pursuant to (i) Chapter 171 of Florida Statutes and (ii) the 2013 Interlocal Service Boundary Agreement (ISBA) among the Town, Lake County, and certain other central Lake County municipalities; and

**WHEREAS**, the annexation petition bears the signatures of all required parties; and

**WHEREAS**, the agent, Blue Sky Capital, LLC, has since closed its purchase of the Property and has asked the Town to proceed with the requested annexation; and

**WHEREAS**, the Town Council finds that the Property is not contiguous to the Town boundaries, but is within the Town’s “Designated Municipal Area” under the ISBA and is reasonably compact; and

**WHEREAS**, under the ISBA the Town may legally annex the Property if (i) the Lake County Board of County Commissioners consents to the annexation and (ii) the Town complies with both the prerequisites of Section 171.204 of Florida Statutes and the consent requirements of Section 171.205 of Florida Statutes; and

**WHEREAS**, simultaneously with the first reading of and hearing on this proposed Ordinance No. 2023-008 the Town Council will also hold a public hearing on the comprehensive-plan amendment and the rezoning proposed by the property owner for the Property, should the Town Council approve its annexation; and

**WHEREAS**, the required notice for the first reading of the comprehensive-plan amendment ordinance has been properly published, and the required notices for the annexation and rezoning ordinances will be properly and timely published.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS:**

**Section 1.** The Property, consisting of the four parcels of land totaling approximately 161 acres, as described in Exhibit A to this ordinance and located generally north of Number Two Road and east of Bloomfield Avenue, are hereby annexed into the corporate limits of the Town of Howey-in-the-Hills.

**Section 2.** The Town Clerk shall forward a certified copy of this ordinance to the Clerk of Court of Lake County for recording in the Public Records of Lake County, Florida, upon or promptly after sections 1, 2, and 3 take effect.

**Section 3.** The Town Clerk shall mail a certified copy of this ordinance both to the Lake County Board of County Commissioners and to the Secretary of State of the State of Florida within seven days after sections 1, 2, and 3 take effect.

**Section 4.**

(a) This section 4 of the ordinance shall take effect upon enactment of the ordinance by the Town Council.

(b) Sections 1, 2, and 3 shall take effect on the later of the following:

- i. The date on which this Ordinance 2023-008 takes effect; or
- ii. The date on which an amendment to the town's comprehensive plan to designate the future land use for the Property as a mix of "Medium Density Residential," "Conservation," and "Public Utility" takes effect; or
- iii. The date on which an ordinance rezoning the Property to Medium Density Residential 2 (MDR-2) takes effect, or
- iv. The date on which the Lake County Board of County Commissioners consents to this annexation ordinance under subsection 3.c.iv of the ISBA.

(c) If sections 1, 2, and 3 of this ordinance have not taken effect as of December 1, 2023, this entire ordinance shall stand repealed and of no further effect.

**ORDAINED** and **ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2023, by the Town Council of the Town of Howey-in-the-Hills, Florida.

*[ Signatures on the following page ]*

**TOWN OF HOWEY-IN-THE-HILLS,  
FLORIDA**

By: its Town Council

By: \_\_\_\_\_  
Hon. Martha MacFarlane, Mayor

ATTEST:

\_\_\_\_\_  
John Brock, Town Clerk

Planning and Zoning hearing held 5/26/2022

Approved First Reading \_\_\_\_\_

Approved Second Reading \_\_\_\_\_

Advertised \_\_\_\_\_

Approved as to form and legality:  
(for the use and reliance of the Town only)

\_\_\_\_\_  
Thomas J. Wilkes, Town Attorney

**ATTACHMENT A**

**LEGAL DESCRIPTIONS OF THE "PROPERTY"**

- 1. Parcel ID No.'s:**  
27-20-25-0002-000-00200  
28-20-25-0001-000-00100  
27-20-25-0003-000-03100  
27-20-25-0001-000-03300
- 2. Alternate Key No.'s:**  
1101051  
1036119  
3852069  
3887680

**3. LEGAL DESCRIPTIONS:**

**PARCEL 1:**

THAT PORTION OF THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2737, PAGES 1678 THROUGH 1680, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND LYING IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 SECTION CORNER OF SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE ON A BEARING RELATED TO FLORIDA STATE PLANE COORDINATES, EAST ZONE, AND ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27, RUN S00°27'46"W A DISTANCE OF 506.08 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 975, PAGE 1473, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AS FIELD MONUMENTED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHWESTERLY LINE RUN THE FOLLOWING THREE COURSES; S 41°36'25"E A DISTANCE OF 89.22 FEET, S41°38'46"E A DISTANCE OF 180.32 FEET, TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1406.26 FEET TO WHICH A RADIAL LINE BEARS S48°23'43"W; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°21'46" AN ARC DISTANCE OF 107.08 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF THE LANDS DESCRIBED AS ENVIRONMENTAL EASEMENT NO. 22, AS FOUND ON PAGE 1463 OF OFFICIAL RECORDS BOOK 1121, PAGES 1441 THROUGH 1478, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID NORTHWESTERLY LINE RUN THE FOLLOWING THREE (3) COURSES; S68°35'23"W A DISTANCE OF 16.30 FEET, S44°30'53"W A DISTANCE OF 80.19 FEET, S33°10'29"W A DISTANCE OF 65.77 FEET; THENCE DEPARTING SAID

NORTHWESTERLY LINE RUN N89°29'24"W A DISTANCE OF 148.97 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 27; THENCE ALONG SAID WEST LINE RUN N00°27'46"E A DISTANCE OF 395.61 FEET TO THE POINT OF BEGINNING.

**Plus:**

**PARCEL 2:**

A PARCEL OF LAND SITUATE IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, BEING THAT PART OF THE WEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27 LYING NORTHERLY OF NUMBER TWO ROAD (PUBLIC ROAD), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID WEST 1/4; THENCE SOUTH 89°40'19" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 332.52 FEET; THENCE SOUTH 00°05'49" WEST ALONG THE EAST LINE OF SAID WEST 1/4 243.34 FEET; THENCE NORTHWESTERLY ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF NUMBER TWO ROAD (PUBLIC ROADWAY) 410 FEET MORE OR LESS; THENCE NORTH 00°05'49" EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 10.09 FEET TO THE POINT OF BEGINNING.

**Plus:**

**PARCEL 3:**

THE NORTH 1/2 OF THE NORTHWEST 1/4; LESS AND EXCEPT ANY PORTION THEREOF LYING NORTHEASTERLY OF THE SOUTHWESTERLY BOUNDARY OF THOSE LANDS DESCRIBED AS TRACT 3, AS RECORDED IN OFFICIAL RECORDS BOOK 1076, PAGE 0802, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID SOUTHWESTERLY BOUNDARY ALSO BEING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE ABANDONED SEABOARD COASTLINE RAILROAD; TOGETHER WITH THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

**Plus:**

**PARCEL 4:**

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

#47606457 v5