

ORDINANCE 2025-03

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA; ANNEXING APPROXIMATELY 35.18 ACRES LOCATED ALONG US HIGHWAY 17 NB (PARCEL NUMBERS 3-33-25-0000-09780-0000 AND 33-33-25-0000-08410-0000) AS FURTHER IDENTIFIED IN EXHIBIT “A” HEREOF, INTO THE INCORPORATED LIMITS OF THE CITY OF WAUCHULA, FLORIDA; PROVIDING FOR PUBLICATION OF NOTICE OF THE PROPOSED ANNEXATION, THE MAILING OF CERTIFIED NOTICE TO THE COUNTY, AND FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE CLERK OF CIRCUIT COURT IN AND FOR HARDEE COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF HARDEE COUNTY, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 171 Florida Statutes, authorizes and empowers incorporated municipalities of the State of Florida to annex into the incorporated limits of said municipalities unincorporated areas of the county in which said municipalities are located, provided certain criteria are followed; and

WHEREAS, The Hardee County Board of County Commissioners (BOCC), owner of the hereinafter described land located within the unincorporated area of Hardee County, Florida (the “County”) has requested, consented to, and petitioned the City of Wauchula (“City”) to annex said land into the incorporated limits of the City, pursuant to the criteria of Section 171.044, Florida Statutes; and

WHEREAS, the City Commission hereby finds and determines that said land is contiguous, reasonably compact, and urban in character as defined in Section 171.031, Florida Statutes; and

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general

circulation notifying the public of this proposed ordinance and of public hearings to be held at City Hall in the City of Wauchula; and

WHEREAS, in the exercise of its authority, the City Commission of the City has determined it is in the best interest of the public health, safety and general welfare of the City and its residents to annex said land into the incorporated limits thereof.

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

Section 1. Annexation of Property. The “BOCC property”, pursuant to Section 171.044, Florida Statutes shall be and is hereby annexed into the incorporated limits of the City of Wauchula, Florida, and the boundary lines of the municipality shall be redefined to include the property described in Exhibit “A” attached to and incorporated into this ordinance.

Section 2. Incorporation of Recitals. The recitals to this Ordinance are hereby incorporated herein by reference and are fully effective as part of this Ordinance.

Section 3. Notice of Proposed Annexation. Notice of the proposed annexation shall be published at least once each week for two consecutive weeks in a newspaper published in Hardee County, Florida, before final passage. A certified copy of this Ordinance shall, after adoption, be filed with the Clerk of the Circuit Court and the Chief Administrative Officer in and for Hardee County, Florida, and with the Department of State, of the State of Florida, within seven (7) days after the adoption of this Ordinance. Not fewer than 10 days prior to publishing or posting the ordinance notice required under state statute, the City Commission shall provide a copy of the notice, via certified mail, to the Board of the County Commissioners of Hardee County, Florida.

Section 4. Land Use and Zoning. The said property shall, upon annexation, remain subject to the County’s land use plan and zoning or subdivision regulations until the City adopts a

comprehensive plan amendment that includes the property annexed. The City is simultaneously processing plan amendment and rezoning requests from the owner.

Section 5. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

Section 6. Repeal of Prior Inconsistent Ordinances and Resolutions. All other ordinances which conflict with this or any part of this Ordinance are hereby repealed.

Section 7. Effective Date. The ordinance shall take effective immediately upon adoption by the City Commission of the City of Wauchula, Florida.

INTRODUCED and PASSED on first reading in regular session of the City Commission of the City of Wauchula, Florida, this ____ day of March 10, 2025.

ATTEST:

CITY OF WAUCHULA, FLORIDA

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

PASSED on second and final reading by the City Commission of the City of Wauchula, Florida, at regular session this _____ day of _____, 2025. This ordinance was moved for approval by Commissioner _____. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Anne Miller

_____ insert yes or no

Commissioner Sherri Albritton

_____ insert yes or no

Commissioner Richard Keith Nadaskay, Jr.

_____ insert yes or no

Commissioner Gary D. Smith

_____ insert yes or no

Commissioner Russell Graylin Smith

_____ insert yes or no

(SEAL)

ATTEST:

CITY OF WAUCHULA, FLORIDA

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM AND LEGALITY:

Kristie Hatcher-Bolin, City Attorney

EXHIBIT "A": LEGAL DESCRIPTION AND MAP

Legal 1:

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, LESS Railroad right-of-way. AND the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, LESS the North 245.00 feet of the East 190.00 feet thereof and subject to road right of way. All in Section 33 Township 33 South, Range 25 East, Hardee County, Florida.

Legal 2:

All that part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ lying Easterly of U.S. Highway 17 right of way, and LESS Atlantic Coast Line Railroad right of way and LESS the South 247.67 feet thereof, lying in Section 33, Township 33 South, Range 25 East Hardee County, Florida.

Together with:

A portion of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 33 South, Range 25 East, Hardee County, Florida, and being more particularly described as follows: Begin at the Northwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33; thence S $00^{\circ}26'27''$ E, a distance of 564.72 feet to a point on the Easterly right of way line of U.S Highway No. 17; thence S $12^{\circ}12'02''$ E along said Easterly right of way line, a distance of 65.31 feet; thence N $89^{\circ}51'58''$ E, a distance of 100.66 feet; thence North $12^{\circ}12'02''$ W, a distance of 318.75 feet; thence N $89^{\circ}51'58''$ E a distance of 351.21 feet; thence S $12^{\circ}12'02''$ E, a distance of 352.25 feet to a point on the South line of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33; thence N $89^{\circ}52'21''$ E along said South line, a distance of 851.31 feet to the Southeast corner of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33; thence N $00^{\circ}10'38''$ W along the East line of the Southeast $\frac{1}{4}$ of said Section 33, a distance of 661.79 feet to the Northeast corner of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33, thence S $89^{\circ}51'20''$ W along the North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33, distance of 1327.75 feet to the Point of Beginning.
LESS AND EXCEPT road right-of-way on the East side for Heard Bridge Road.

BEING MORE PARTICULARLY DESCRIBED AS:

A parcel of land being a portion of Section 33, Township 33 South, Range 25 East, Hardee County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33; thence South $89^{\circ}51'51''$ West along the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33, 116.37 feet to the intersection with the Easterly right-of-way line of State Road 35 (U.S. 17), as depicted on the Florida Department of Transportation right-of-way Map Section Number 06010-2532; thence South $12^{\circ}13'13''$ East along said Easterly right-of-way line 324.83 feet to the intersection with the North line of the South 247.67 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33; thence North $89^{\circ}32'11''$ East, 51.54 feet to the East line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Said Section 33, thence South $00^{\circ}25'51''$ East along said East line, 247.86 feet to the intersection with said Easterly right-of-way line of State Road 35 (U.S. 17); thence South $12^{\circ}10'44''$ East along said Easterly right-of-way-line, 65.31 feet to the intersection with the North line of "Parcel 121" as described in Official Records Book 642, pages 1234 through 1238, Public Records of Hardee County, Florida; thence North $89^{\circ}52'52''$ East along said North Line 100.66 feet to the Westerly line of said "Parcel 121", thence North $12^{\circ}11'38''$ West along said Westerly line 318.75 feet to the North line of said "Parcel 121"; thence North $89^{\circ}52'22''$ East along said North line, 351.21 feet to the Northeast corner of said "Parcel 121"; thence South $12^{\circ}11'38''$ East along the Easterly line of said "Parcel 121", 352.25 feet to the South line of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33; thence South $89^{\circ}52'22''$ West along said South line, 452.14 feet

to the intersection with said Easterly right-of-way line of State Road 35 (U.S.17); thence South 12°10'44" East along said Easterly right-of-way line, 675.89 feet to the South line of the Southeast ¼ of the Southeast ¼ of said Section 33; thence North 89°55'20" East along said South line, 1128.01 feet to the intersection with the West right-of-way line of Heard Bridge Road, having a 70 foot right-of-way based on the right-of-way notecard provided by Hardee County Public Works Division; thence North 00°10'43" West along said West right-of-way line 416.87 feet to the South line the north 245.00 feet of the Southeast ¼ of the Southeast ¼; thence South 89°59'05" West along said South line, 149.29 feet to the West line of the East 190.00 feet of the Southeast ¼ of the Southeast ¼ of said Section 33; thence North 00°19'06" West along said West line, 244.64 feet to the South line of the North ½ of the Southeast ¼ of the Southeast ¼ of said Section 33; thence North 89°53'15" East along said South line, 149.89 feet to the intersection with said West right-of-way line of Heard Bridge Road; thence North 00°10'43" West along said West right-of-way line 661.92 feet to the intersection with the North line of the Southeast ¼ of the Southeast ¼ of said Section 33; thence South 89°52'41" W along said North line, 1292.85 feet to the POINT OF BEGINNING.

Parcel No. 33-33-25-0000-08410-0000 and 33-33-25-0000-09780-0000

