

TAB 5

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 08-965**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-01 – Sunnydale Properties, LLC. PID #'s 2436200006, 2435900002, 2436500009, approximately 0.89 acres).

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, Florida Statute 171.044 provides for the voluntary annexation of reasonably compact, contiguous real property to a municipality; and

WHEREAS, the property described in **Exhibit A**, attached hereto and incorporated herein, is reasonably compact and contiguous to the City of Palmetto; and

WHEREAS, the property described in **Exhibit A** is owned by the Sunnydale Properties, LLC. and

WHEREAS, Sunnydale Properties, LLC. has petitioned for annexation of said real property into the City of Palmetto; and

WHEREAS, notice of said annexation, a copy of which is attached hereto and incorporated herein as **Exhibit B**, has been published as required under Section 171.044, Florida Statutes; and

WHEREAS, annexation of the land described in **Exhibit A** does not result in the creation of any enclaves; and

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City, in order to protect the public health, safety, and welfare, to adopt this Ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. **Findings of Fact.** The above “whereas” clause are adopted herein as findings of fact.

Section 2. **Annexation of Land.** The land legally described in **Exhibit A** is hereby annexed into and incorporated within the City of Palmetto, Manatee County, Florida, as fully and effectually as if the same were included within the boundary of the City of Palmetto, Florida, as set forth in its Charter.

Section 3. **Amendment of City Boundaries.** The legal description of the City of Palmetto, Florida, kept on file in the City Clerk’s office, is hereby amended to reflect this annexation. The City Clerk is hereby directed to undertake measures necessary to affect such amendment consistent herewith.

Section 4. **Repeal of Ordinance.** This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 5. **Severability.** It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 6. **Effective Date.** This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by an affirmative vote of not less than a majority of the total membership of the City Commission of the City of Palmetto, Florida, and this 21st day of April, 2008.

First Reading: April 7, 2008
Publication: April 7, 2008 and
April 14, 2008
Second Reading and
Public Hearing: April 21, 2008

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

By: _____
LAWRENCE E. BUSTLE JR., MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk

Exhibit "A" Legal Description

Parcel Identification Numbers and Legal Description of Sunnydale Properties, LLC, proposed for annexation into City of Palmetto:

#2436200006
#2435900002
#2436500009

The west 32 feet and east 20 feet of Lots 13 and 23, together with all Lots 14, 15, and 24, Block 8, Orange Park Subdivision, according to the Plat thereof, recorded in Plat Book 2, Page 137, of the Public Records of Manatee County, Florida. All of the above less Road Rights of Way.