

**TAB 14**

**CITY OF PALMETTO, FLORIDA  
ORDINANCE NO. 2010-20**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY, GENERALLY LOCATED IN THE FORMER RIGHT-OF-WAY FOR 8<sup>TH</sup> AVENUE WEST, SOUTH OF 23<sup>RD</sup> STREET WEST AND NORTH OF U.S. 41, INTO 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.**

**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 Manatee Fruit Company; and

**WHEREAS**, Manatee Fruit Company has made formal application to the City of Palmetto requesting that the property described in **Exhibit A** be annexed into the City of Palmetto; and

**WHEREAS**, the City of Palmetto recognizes the need to annex said real property into the City of Palmetto; and

**WHEREAS**, said property is former right-of-way for 8<sup>th</sup> Avenue West, generally located south of 23rd Street West and north of U.S. 41; and

**WHEREAS**, notice of said annexation, a copy of which is attached hereto and incorporated herein as **Exhibit B**, has been published as required and provided 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 the City Commission, in open session, with a quorum present and voting, this \_\_\_ day of \_\_\_\_\_, 2010.

First Reading:

Publication:

Second Reading and  
Public Hearing:

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

By: \_\_\_\_\_  
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman  
City Clerk

By: \_\_\_\_\_  
City Clerk/Deputy Clerk



PALMETTO

# Proposed Annexation AN 2010-02

23rd ST W RELOCATION

PC

8TH AVE W

GROVE CIR

CENTRE ST

Parcel 12

Parcel 13

Parcel 14

Parcel 15

PU

Parcel 11

BUS 41

GCOM

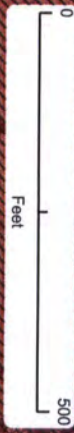
ROR(County) -> GCOM

Proposed Annexation  
Southern portion of 8th Avenue W  
273' feet south of 23rd Street W  
Parcel Size: 281' by 273' = 7,644 sqft  
Existing Use: Agricultural

Ordinance 2010-14  
The portion of 8th Avenue W  
735.67 feet north of 23rd Street W  
Annexed into the City of Palmetto  
on August 16, 2010.  
Existing Use: Street right-of-way

Map of the City of Palmetto, Florida, showing the proposed annexation area. The map is titled "Proposed Annexation AN 2010-02". It shows the location of the proposed annexation area, which is the southern portion of 8th Avenue W, 273 feet south of 23rd Street W. The map also shows the location of other streets, including 23rd Street W, 8th Avenue W, Grove Circle, Centre Street, and Bus 41. The map is divided into several parcels, labeled Parcel 11, Parcel 12, Parcel 13, Parcel 14, and Parcel 15. The map also shows the location of the proposed road relocations, including 23rd Street W and 8th Avenue W. The map is prepared by the City of Palmetto, Florida, and is dated August 16, 2010.

10th AVE W EXTENSION



### Legend

- Proposed Road Revisions
- Streets
- City limits
- Annexations
- Parcel revisions
- Current Parcel boundaries

### Future Land Use Categories

- PC
- DCOMC
- CONS
- GCOM
- HCOMIND
- PF
- PU
- RES4
- RES6
- RES10
- RES14

**Staff Report  
Annexation 2010-02  
8<sup>th</sup> Avenue West Right-of-Way  
South of 23<sup>rd</sup> Street  
Ord. 2010-20**

**OWNER/GENERAL LOCATION/PARCEL SIZE:**

Owner/Petitioner Manatee Fruit Company

Location: The site is located along 8<sup>th</sup> Avenue reserved right-of-way, south of 23<sup>rd</sup> Street W.

PID #: N/A

Parcel Size: 28' by 273' = 7,644 square feet (per attached survey)

Existing Use: Agricultural; reserved right-of-way for that portion of 8<sup>th</sup> Avenue W south of 23<sup>rd</sup> Street W.

**EXISTING LAND USE/ZONING CATEGORY:**

Future Land Use: General Commercial

Zoning: CG

**SURROUNDING PROPERTY ZONING DISTRICTS:**

Future Land Use

North: GCOM

South: GCOM and unincorporated Manatee County

East: GCOM

West: GCOM

Zoning

North: CG (Business and Light Commercial)

South: CG (Business and Light Commercial) and unincorporated Manatee County

East: CG (Business and Light Commercial)

West: CG (Business and Light Commercial)

**REQUESTED ANNEXATION:**

Manatee Fruit Company is petitioning for a voluntary annexation of reserved right-of-way property, namely 8<sup>th</sup> Avenue south of 23<sup>rd</sup> Street. Manatee Fruit Company owns the subject property as a result of a prior vacation of this property by Manatee County.

That portion of 8<sup>th</sup> Avenue 735.67 feet north of 23<sup>rd</sup> Street was annexed into the City of Palmetto on August 16, 2010 by Ordinance 2010-14. The northern portion of 8<sup>th</sup> Avenue is owned by the City and is currently being used as right-of-way. It is designated GCOM on the FLUM and zoned CG. The City Commission approved the vacation of the northern portion of 8<sup>th</sup> Avenue on November 15, 2010 by Ordinance 2010-15, subject to the opening of the relocated 23<sup>rd</sup> Street West for vehicular traffic.