

TAB 14

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 2011-29**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.26 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 4 AND 5, BLOCK 3, PAL-ELL PARK (PLAT BOOK 8, PAGE 123); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-05 Applicant: Waste Services of Florida, Inc.)

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," authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, Section 171.044, Florida Statutes, 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 (the "Property"), is reasonably compact and contiguous to the City of Palmetto; and

WHEREAS, the Property is owned by Waste Services of Florida, Inc. ("Applicant"); and

WHEREAS, Applicant has filed a petition with the City requesting that the Property be annexed into the City of Palmetto, and the City Commission has determined that the petition bears the signatures of all of the owners of the Property; and

WHEREAS, notice of said annexation, a copy of which is attached hereto and

incorporated herein as **Exhibit B**, has been sent to the Board of County Commissioners for Manatee County and published as required and provided under Section 171.044, Florida Statutes; and

WHEREAS, annexation of the Property 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 of Palmetto 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 Property, as legally described in **Exhibit A**, and as generally depicted on the sketch attached hereto as **Exhibit C**, is hereby annexed into and incorporated within the City of Palmetto as fully and effectually as if the same were included within the boundary of the City of Palmetto, 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, and to make the filings required under Section 171.044, Florida Statutes.

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 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 7th day of November, 2011.

First Reading:	October 3, 2011
Publication:	October 24, 2011 And October 31, 2011
Second Reading and Public Hearing:	November 7, 2011

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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

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EXHIBIT A

Lots 4 and 5, Block 3, PAL-ELL-PARK, a Subdivision, as per plat thereof recorded in Plat Book 8, page 123, Public Records of Manatee County, Florida

EXHIBIT C

ANNEXATION OF 1615 & 1619 OAKWOOD AVENUE INTO THE CITY OF PALMETTO ZONING BASE MAP

