

ORDINANCE NO. 2016-09

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE CITY BY ESTABLISHING PARKWAY INTERCHANGE LAND USE ON 154 ACRES, MORE OR LESS, LOCATED ON THE SOUTH SIDE OF U.S. 192, WEST OF I-95 AND EAST OF SIMON ROAD, AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; AND, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

Section 1.

Comprehensive Plan Amendment Number 2 in 2016 (LSA-2016-2) is hereby adopted.

Section 2.

The Future Land Use Map of the Comprehensive Plan of the City is hereby amended to provide for Parkway Interchange (PI) land use on the following described property:

A PARCEL OF LAND BEING ALL OF LOT 4, LOT 5 AND LOT 6 AND A PORTION OF LOTS 7 THROUGH 14 INCLUSIVE, SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, OF THE TALLAHASSEE BASE MERIDIAN, BEING A PART OF THE FLORIDA INDIAN RIVER LANDS COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 2 PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING FOR REFERENCE AT THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST; THENCE, BEARING NORTH 00°11'53" WEST, ALONG THE WESTERLY LINE OF SAID SECTION 3, A DISTANCE OF 48.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO 84 (A 96' WIDE RIGHT OF WAY); THENCE, BEARING NORTH 89°36'49" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 20.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SIMON ROAD (A 40' WIDE RIGHT OF WAY); THENCE, BEARING NORTH 00°11'53" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 612.37 FEET TO A POINT; THENCE, BEARING NORTH 89°32'26" EAST, A DISTANCE OF 1298.69 FEET TO A POINT; THENCE, BEARING NORTH 00°11'19" WEST, A DISTANCE OF 657.69 FEET TO A POINT; THENCE, BEARING SOUTH 89°42'58" WEST, A DISTANCE OF 1299.05' TO A POINT ON AFORESAID EASTERLY RIGHT OF WAY LINE OF SIMON ROAD; THENCE, BEARING NORTH 00°11'53" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1188.94 FEET TO THE SOUTHERLY

RIGHT OF WAY LINE OF STATE ROAD NO 500 (KISSIMMEE HIGHWAY OR US 192);THENCE, BEARING NORTH 89°37'49" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 3378.54 FEET TO A POINT; THENCE, LEAVING SAID RIGHT OF WAY LINE, BEARING SOUTH 00°07'05" WEST, A DISTANCE OF 202.49 FEET TO A POINT; THENCE, BEARING NORTH 89°17'28" EAST, A DISTANCE OF 325.96 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF BRANDYWINE LANE (A 60 FOOT WIDE RIGHT OF WAY); THENCE, BEARING SOUTH 54°02'44" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 154.07 TO A POINT; THENCE, LEAVING SAID RIGHT OF WAY LINE, BEARING SOUTH 00°11'39" EAST, A DISTANCE OF 308.73 FEET TO A POINT; THENCE, BEARING SOUTH 89°34'36" WEST A DISTANCE OF 550.01 FEET TO A POINT ON THE EASTERLY LINE OF AFORESAID LOT 13; THENCE, BEARING SOUTH 00°11'28" EAST ALONG THE EAST LINE OF SAID LOT 13 AND THEN ALONG THE EAST LINE OF AFORESAID LOT 4, A DISTANCE OF 1858.88 FEET TO A POINT ON AFORESAID NORTHERLY RIGHT OF WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO 84; THENCE, BEARING SOUTH 89°38'10" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 658.46 FEET TO A POINT; THENCE, BEARING SOUTH 89°33'45" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2619.08 FEET TO THE POINT OF BEGINNING. THE PARCEL DESCRIBED ABOVE CONTAINS AN AREA OF 7,444,212 SQUARE FEET OR 170.896 ACRES, MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS AND OR RESTRICTIONS CONTAINED WITHIN THE CHAIN OF TITLE. LESS AND EXCEPT ROAD RIGHT OF WAY FOR THE ST. JOHNS HERITAGE PARKWAY AS DESCRIBED IN O.R. BOOK 7102, PG. 973. LESS AND EXCEPT COUNTY STORMWATER POND TRACT AS DESCRIBED IN O.R. BOOK 7102, PG. 1082.

Section 3.

The Comprehensive Plan of the City is hereby amended to establish a proper and appropriate future land use for the property described in Section 2 of this ordinance.

Section 4.

The Planning Director is hereby authorized and directed to cause the provisions of Sections 2 through 3 of this Ordinance to be incorporated into and made part of the City's Comprehensive Plan.

Section 5.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in

compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 20th day of September, 2016.



Sue Frank
Sue Frank, City Clerk

Hal Rose
Hal J. Rose, Mayor

Reviewed as to form and content:

Morris Richardson
Morris Richardson, City Attorney

1ST READING: August 16, 2016
2ND READING: September 20, 2016

Effective date: October 21, 2016