ORDINANCE NO. 2016-12

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING 4.138 ACRES OF PROPERTY CONTIGUOUS THERETO, LOCATED AT 4650 WEST NEW HAVEN AVENUE LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of the property described herein below have petitioned the City pursuant to F.S. 171.044 for voluntary annexation of the said property into the City; and,

WHEREAS, said property to be annexed is contiguous to the corporate limits of the City and meets the requirements of F.S. 171.044; and

WHEREAS, the City Council has determined that it is desirable to annex the said property.

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

Section 1.
The following property shall hereby be annexed to and incorporated within the City of West Melbourne, Brevard County, Florida:

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING A PORTION OF LOT 17, PLAT OF INDIAN RIVER LAND CO. RECORDED IN PLAT BOOK 2, PAGE 80 (ALL RECORDS REFERENCED HEREIN ARE OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), BEING ALL THE PREMISES DESCRIBED IN OR 7318, PG 1147 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SAID SECTION 3; THENCE WITH THE EAST LINE OF THE NE 1/4 OF SAID SECTION 3, ALSO BEING THE CENTERLINE OF DIKE ROAD (A 40 FEET WIDE PUBLIC RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF INDIAN RIVER LAND CO.), N00°09'24" W, A DISTANCE OF 275.00 FEET; THENCE, LEAVING SAID CENTERLINE, S89°38'50" W, A DISTANCE OF 20.00 FEET TO WEST RIGHT-OF-WAY LINE OF SAID DIKE ROAD AND THE POINT OF BEGINNING;

THENCE WITH THE NORTH LINE OF PREMISES DESCRIBED IN DEED TO SUNOCO, INC. (R&M), RECORDED IN OR 6984, PG 1549, S89°38'50" W, A DISTANCE OF 205.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE, WITH THE WEST LINE OF SAID SUNOCO, INC. PREMISES, S00°09'24"E, A DISTANCE OF 192.90 FEET TO THE NORTH RIGHT-OF-WAY LINE OF U.S. 192 (S.R. 500, BEING A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FDOT MAP SECTION 70050-2544); THENCE, WITH SAID NORTH RIGHT-OF-WAY LINE, N74°58'07"W, A DISTANCE OF 117.12 FEET TO THE SOUTHEAST CORNER OF PREMISES DESCRIBED IN DEED TO JOHN M. BOVIS & ELIZABETH F. BOVIS, RECORDED IN O.R. 2727, PG. 1088; THENCE, WITH THE EAST LINE OF SAID BOVIS PREMISES, N01°16'57"W, A DISTANCE OF 175.31 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, WITH A PORTION OF THE NORTH LINE OF SAID BOVIS PREMISES, S89°33'39"W, A DISTANCE OF 4.52 FEET, THENCE, LEAVING SAID NORTH LINE, N00°09'24"W, A DISTANCE OF 7.06 FEET; THENCE, S89°50'28"W, A DISTANCE OF 158.01 FEET TO THE EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 95 (S.R. 9, BEING A VARIABLE WIDTH LIMITED ACCESS RIGHT-OF-WAY AS SHOWN ON FDOT MAP SECTION 70220-2403); THENCE, WITH SAID LIMITED ACCESS RIGHT-OF-WAY LINE, N12°31'10"W, A DISTANCE OF 303.26 FEET TO THE SOUTHWEST CORNER OF PREMISES DESCRIBED IN DEED TO MARC W. COLLINS

& PHYLLIS R. COLLINS, RECORDED IN O.R. 3944, PG. 1645; THENCE, WITH THE SOUTH LINE THEREOF, S89°38'50"E, A DISTANCE OF 548.93 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID DIKE ROAD; THENCE, WITH SAID WEST RIGHT-OF-WAY LINE, S00°09'24"E, A DISTANCE OF 317.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.138 ACRES OF LAND, MORE OR LESS.

A map showing the locations of the said properties is attached as Exhibit "A" of this Ordinance. Such land shall immediately become subject to the jurisdiction and powers of the City of West Melbourne, Florida.

Section 2.
Utilities Notification. The City Clerk is hereby directed to notify all utility companies servicing this property of this annexation.

Section 3.
County Notification. The City Clerk is hereby directed to provide a copy of the notice of annexation, via certified mail, to the Brevard County Board of County Commissioners at least 10 days prior to the time of publishing said notice as provided for in Florida Statutes, Section 171.044(6).

Section 4.
Department of State Notification. The City Clerk is hereby directed to file, via certified mail, a certified copy of this Ordinance with the Department of State of the State of Florida, the Brevard County Clerk of the Circuit Court for recording and the Brevard County Chief Administrative Officer, within seven (7) days after the adoption of this Ordinance, as provided for in Florida Statutes, Section 171.044(3). Any change in the municipal boundaries shall be filed with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area, as provided for in Florida Statutes, Section 171.091.

Section 5.
Effectiveness. This ordinance shall become effective immediately upon adoption.

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

CITY OF WEST MELBOURNE CORPORATE SEAL BREVARD COUNTY, FLORIDA

Hal Rose
HAL J. ROSE, MAYOR

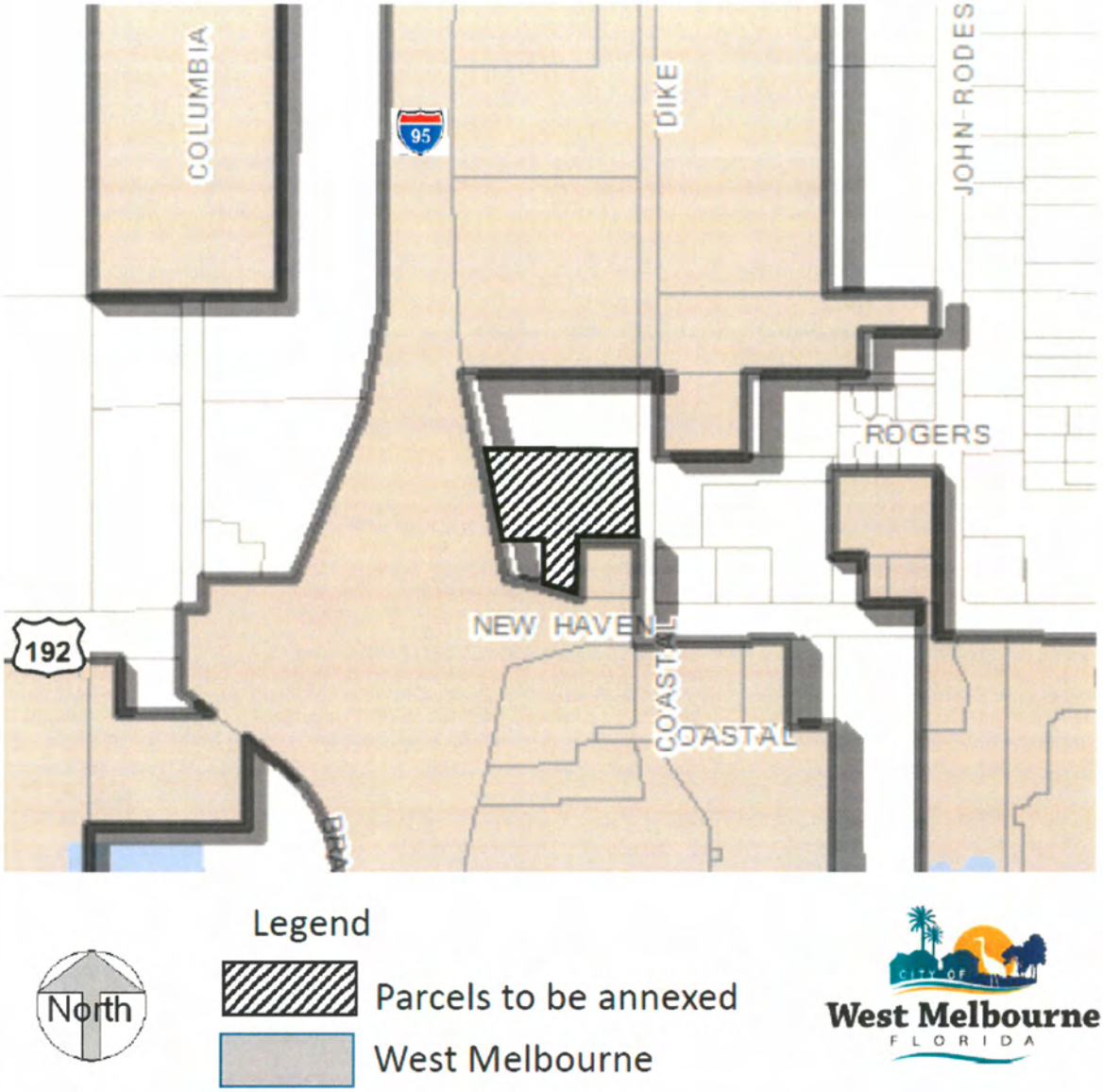
ATTEST:

Sue Frank
Sue Frank, City Clerk

Approved as to form and content:

By: _____
Morris Richardson, City Attorney

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

Exhibit "A"

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