

ORDINANCE 3187-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.62 ACRES OF REAL PROPERTY LOCATED AT 1800 KAROLINA AVENUE AND THE ADJACENT CLAY STREET RIGHT-OF-WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner of 1800 Karolina Avenue has requested the City enact a voluntary annexation for 1800 Karolina Avenue, also identified by Orange County Tax Parcel ID #: 12-22-29-4076-04-010.

WHEREAS, the Subject Property being annexed is a portion of other properties in the same ownership at 1801 and 1805 West Fairbanks Avenue, that are proposed for a unified redevelopment; and

WHEREAS, the City of Winter Park has determined that the Subject Property is reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Property will not result in the creation of an enclave and that the Subject Property meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Properties and has conducted the required public hearing prior to the adoption of this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION 1: *Recitals.* The above "Whereas" clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

SECTION 2: *Property Annexed.* That, after conducting two public hearings and having found that the Owners' petition for voluntary annexation of the Subject Property meets the prerequisites and standards for annexation under general law, the Subject Property identified as 1800 Karolina Avenue, also identified with the OCPA ID# 12-22-29-4076-04-010 and the right-of-way of Clay Street lying immediately east of this subject property, as further legally defined below and as graphically shown on the map and sketch attached hereto as Exhibit "A" is hereby annexed into the municipal boundaries of the City of Winter Park.

Legal description: Lots 1, 2 and 3, Block D, Karolina on Killarney subdivision, and the adjacent right-of-way lying immediately east thereof, as recorded in Plat Book "M", Page 105 of the Public Records of Orange County, further described by metes and bounds as Begin at the NE corner of Lot 1, Block D, Karolina on Killarney subdivision; then run South 135 feet to the SE corner of Lot 1, then run west 150 feet to the SW corner of Lot 3; then run north 135 feet to the NW corner of Lot 3; then run east 135 feet to the Point of Beginning and also including the 50-foot wide right-of-way of Clay Street lying immediately east of the above described property, as dedicated in the Karolina on Killarney plat and the Flamingo Shores plat per Plat Book "S", Page 144.

SECTION 3: *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Properties as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Consent to Municipal Services Taxing Unit.* Pursuant to § 125.01 (1) (q), Fla. Stat., the Winter Park City Commission consents to the continuation of the Municipal Services Taxing Unit (MSTU) for street lighting along Karolina Avenue involving these seven properties within this area to be annexed by this ordinance. The City's consent expires on the date on which Orange County discontinues this MSTU levy or amends the boundaries of this MSTU to exclude these properties. Additionally, this consent is hereby conditioned upon the City maintaining its full constitutional authority to levy ad valorem taxes up to 10 mills for municipal purposes. Therefore, the City's consent by this section shall terminate as of the date the Winter Park City Commission levies an ad valorem millage rate that when added to this MSTU levy would, if the City's consent to the MSTU were not terminated, exceed the constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes without restriction by virtue of this MSTU.

SECTION 6: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 7: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 8: *Effective Date.* This Ordinance shall become effective after its adoption at its second reading.

ADOPTED this 9th day of December, 2020, by the City Commission of the City of Winter Park, Florida.

Steven M. Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

Exhibit "A"

