

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, ANNEXING CERTAIN LANDS LYING CONTIGUOUS TO THE CITY LIMITS, PURSUANT TO PETITION NO. 18-01AN BY MARY H. MCMULLEN, JOSEPH W. HURT, AND RANDALL C. HURT, TRUSTEES OF THE SHACKETT CREEK TRUST UNDER AGREEMENT DATED NOVEMBER 25, 2002, INTO THE CORPORATE LIMITS OF THE CITY OF VENICE, FLORIDA, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Venice, Florida received a sworn Petition from Mary H. McMullen, Joseph W. Hurt and Randall C. Hurt, Trustees of the Shackett Creek Trust under Agreement dated November 25, 2002, requesting the city to voluntarily annex 213.90± acres of real property into the corporate limits of the City of Venice, Florida; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission recommending approval of Annexation Petition No. 18-01AN; and

WHEREAS, the Venice City Council has determined the areas to be annexed have met all the requirements of Chapter 171, Florida Statutes, including being contiguous to the City of Venice and reasonably compact; and

WHEREAS, all other procedural and notice requirements mandated by state law and the City's Charter and Code of Ordinances have been followed and satisfied; and

WHEREAS, it is in the best interest of the public health, safety, and welfare of the citizens of the City of Venice for the City Council to annex the real property described herein into the municipal boundaries of the City of Venice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The City of Venice hereby accepts the Petition to voluntarily annex the property described below into the corporate limits of the City of Venice and hereby determines that the Petition bears the signature of all current owners of the property to be annexed. The following described property is hereby annexed into the corporate limits of the City of Venice and the boundary lines of the City of Venice are hereby redefined to include the following described property:

PARCEL 1:

The NW 1/4 of the NE 1/4 and the North 1/2 of the NW 1/4 of Section 28, Township 38 South, Range 19 East, LESS 1-75 right of way described as:

BEGIN on the West line of said Section 28, at a point S. 0°09'22" E., 598.21 feet from the NW corner thereof, thence run S. 39°47'50" E, 607.25 feet, to the beginning of a curve concave to the Southwesterly, having a radius of 23,036.31 feet; thence run Southeasterly along said curve 358.40 feet, through a central angle of 0°53'29" to the end of said curve; thence N. 89°45'25" W., 617.96 feet to the

West line of said Section 28; thence N. 0°09'22" E., 741.04 feet along said West line to the POINT OF BEGINNING.

PARCEL 2:

The NE 1/4 of NE 1/4 of Section 28, Township 38 South, Range 19 East, LESS the South 60 feet (except for the East 30 feet of said South 60 feet) thereof LESS portion thereof taken by Sarasota County in Eminent Domain (Case No. 88-5219-CA-OL, Parcel 04-HR) described as: (Fee Simple)

Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run S 89°45'40" W., along the North line of said Section 28 for a distance of 30.00 feet to the POINT OF BEGINNING; thence continue S. 89°45'40" W, along said line for a distance of 10.00 feet; thence run S. 00°03'02" W., along a line 40.00 feet West of and parallel with the East line of said Section 28 for a distance of 1323.66 feet; thence run S. 89°20'04" E. along the South line of the properties described in O.R.B. 1872, Page 2609, of the Public Records of Sarasota County, Florida, for a distance of 10.00 feet; thence run N. 00°03'02" E, for a distance of 1323.58 feet to the POINT OF BEGINNING.

(Perpetual Drainage Easement)

That part of O.R.B. 1350, Page 1589, of the Public Records of Sarasota County, Florida, described as follows:

Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run S 00°03'02" W., along the East line of said Section 28 for a distance of 475.41 feet; thence run N 89°56'58" W., for a distance of 40.00 feet to the POINT OF BEGINNING; thence continue N 89°56'58" W., for a distance of 95.00 feet; thence to S. 00°03'02" W., for a distance of 193.00 feet; thence run S. 89°56'58" E., for a distance of 95.00 feet; thence run N. 00°03'02" E., along a line 40.00 feet West of and parallel with said Section line for a distance of 193.00 feet to the POINT OF BEGINNING.

Begin at the Northeast corner of South 1/2 of the North 1/2 of Section 28, Township 38 South, Range 19 East, for Point of Beginning; thence N. 89°31'23" W, along North line of said tract, 4731.59 feet to Easterly right-of-way of 1-75; thence Southeasterly along said right-of-way, 24.79 feet; thence S. 89°44'56" E., 720.04 feet; thence S. 89°44'30" E., 1342.05 feet; thence S. 89°45'49" E., 1326.78 feet; thence S. 89°45'59" E., 1327.01 feet to the Point of Beginning. Subject to road right-of-way along Easterly side.

The above parcel consists of 1 acre, more or less, which lies West of the West line of the SE 1/4 of the NE 1/4 of Section 28, Township 38 South, Range 19 East, and a 0.1 acre parcel, more or less, lying East of said line.

The South 60 feet of the NE 1/4 of the NE 1/4 of Section 28, Township 38 South, Range 19 East, LESS the East 40 feet thereof.

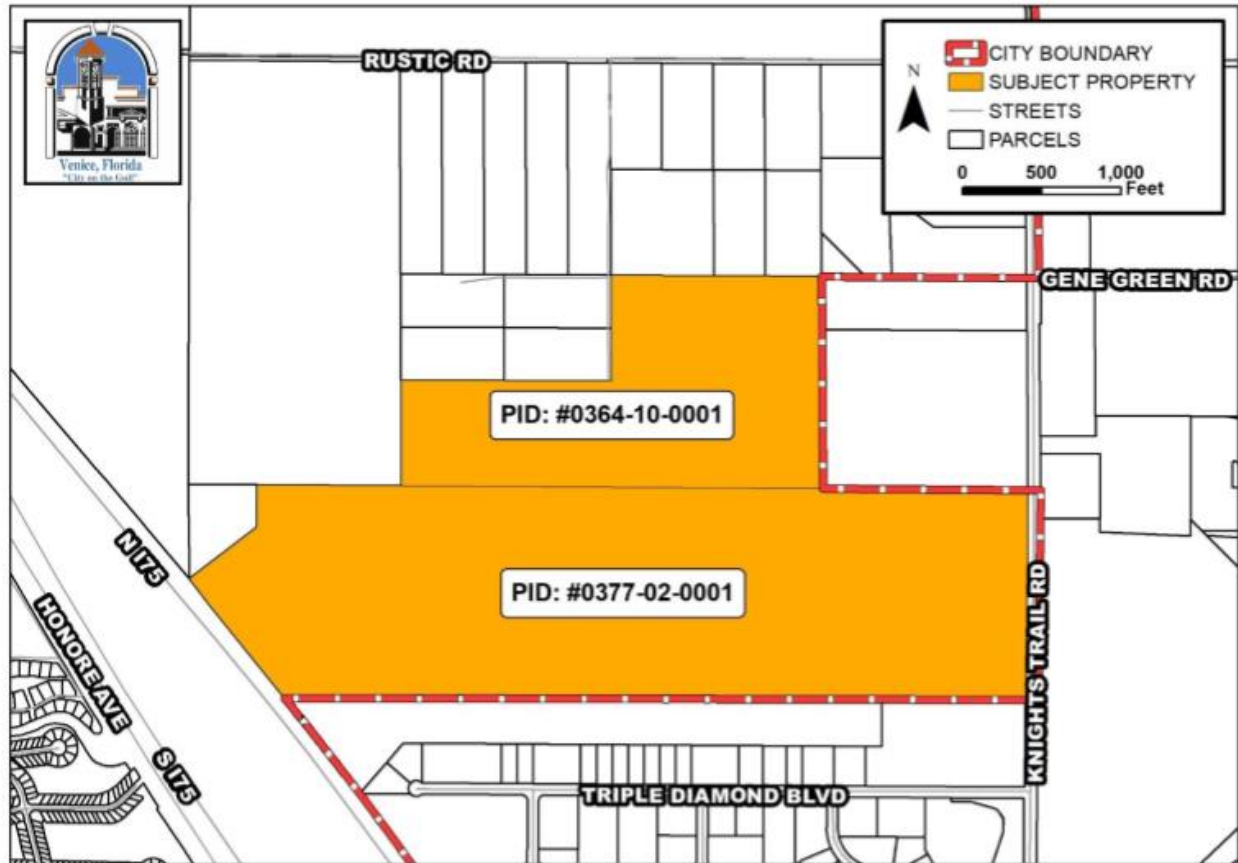
Together with easements appurtenant described in Official Records Book 1350, Pages 1591 and 1592, Public Records of Sarasota County, Florida, and all other such easements appurtenant thereto.

PARCEL 3:

The SW 1/4 of the SE 1/4 of Section 21, Township 38 South, Range 19 East; the South 1/2 of the SE 1/4 of the SW 1/4 of Section 21, Township 38 South, Range 19 East.

TOGETHER WITH a perpetual non-exclusive access easement for ingress and egress and for drainage and utilities over the East 30 feet of the North 3/4 of the East 1/2 of the SW 1/4 and over the South 30 feet of the East 1/2 of the NW1/4 and over the South 30 feet of the NE 1/4 of said Section 21, Township 38 South, Range 19 East.

ALSO TOGETHER WITH a non-exclusive perpetual easement for public access, drainage and utilities over and across those certain easements described in Official Records Book 1317, Page 931, of the Public Records of SARASOTA County, Florida.



SECTION 3. Within seven (7) days after adoption, a certified copy of this Ordinance shall be filed with the Clerk of the Circuit Court of Sarasota County, Florida and the Chairman of the Board of County Commissioners of Sarasota County, Florida, and the Department of State, Secretary of State, State of Florida, pursuant to Section 171.044(3), Florida Statutes.

SECTION 4. The Pre-Annexation Agreement dated April 30, 2019 between the City of Venice and Mary H. McMullen, Joseph W. Hurt and Randall C. Hurt, Trustees of the Shackett Creek Trust under Agreement dated November 25, 2002, is hereby incorporated by reference into this ordinance. All parties agree to abide by the terms and conditions of the Pre-Annexation Agreement.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 7. This Ordinance shall take effect immediately upon its adoption as provided by law.

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 27TH DAY OF AUGUST 2019.

First Reading: July 9, 2019

Final Reading: August 27, 2019

ADOPTION: August 27, 2019

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 27th day of August 2019 a quorum being present.

WITNESS my hand and the official seal of said City this 27th day of August 2019.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney