

ORDINANCE NO. 815

Instr #2011000462 BK:2793 Pages:1812 - 1816  
Filed & Recorded 1/5/2011 12:14:12 PM, # Pages5Rec F  
\$44.00  
Karen Nicolai, HERNANDO County Clerk of Court  
SRB Deputy Clk

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sea Gate Land Holdings, Inc., the owners of a parcel of real property (the "Property") in an unincorporated area of Hernando County, which is contiguous to the corporate limits of the City of Brooksville, Florida (the "City"), and which is reasonably compact, have authorized the City Council to annex certain Property into the City of Brooksville, Florida; and,

WHEREAS, Sea Gate Land Holdings, Inc. is the sole owner of the Property in the area proposed to be annexed; and,

WHEREAS, Sea Gate Land Holdings, Inc., entered into that certain Utility Services Agreement (the "Agreement") with the City dated April 3, 2007 and recorded in the public record at Book 2431, Page 36; and,

WHEREAS, Sea Gate Land Holdings, Inc. appointed the City as its duly authorized representative for instituting an annexation petition and it irrevocably consented to the voluntary annexation of certain Property; and,

WHEREAS, a petition has been filed pursuant to Chapter 171, Florida Statutes, particularly Section 171.044, to request the integration, annexation, and incorporation of certain Property into the City; and,

WHEREAS, said petition and supporting documentation has been reviewed to satisfy each and every requirement of Section 171.044, Florida Statutes, and, the area to be annexed meets the criteria in Chapter 171, Florida Statutes; and,

WHEREAS, the City has determined its service delivery systems can accommodate the annexation of that certain Property without adversely impacting other property within the City or the residents of the City; and,

WHEREAS, this Ordinance to voluntarily annex said the Property, and to redefine the boundary lines of the City to include said Property, has been adopted after notice of the annexation being published and after being heard at a public hearing at which time any and all parties in interest and all others had an opportunity to be heard in a quasi-judicial proceeding; and,

WHEREAS, the City Planning and Zoning Commission recommended at its December 8, 2010, meeting that the City Council annex the referenced Property; and,

R City of Brooksville

**WHEREAS**, the City Council of the City of Brooksville, Florida has reviewed the petition to annex certain Property into the City and hereby declares same to be sufficient under the terms and requirements of the City of Brooksville Charter, the City of Brooksville Code of Ordinances and Chapter 171, Florida Statutes.

**NOW THEREFORE**, be it ordained by the City Council of the City of Brooksville, Florida, as follows:

**SECTION 1. INCORPORATION OF RECITALS.** The above recitals are incorporated herein and made a part hereof.

**SECTION 2. PURPOSE.** The purpose of this Ordinance is to authorize the voluntary annexation of Property owned by Sea Gate Land Holdings, Inc. into the City of Brooksville, Florida, pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, attached as Exhibit A and incorporated herein by reference, and the Petition for Voluntary Annexation submitted by the duly authorized representative of the petitioner and owner of said Property, Sea Gate Land Holdings, Inc., as authorized by section 171.044, Florida Statutes.

**SECTION 3. AUTHORITY.** The City Council is authorized to take this action pursuant to Section 1.02 of the City Charter of the City of Brooksville, as well as Section 171.044, Florida Statutes.

**SECTION 4. SUFFICIENCY OF PETITION.** That the City, as the appointed duly authorized representative serving as attorney in fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation, accepted and deemed sufficient the petition of Sea Gate Land Holdings, Inc. for the Property located in Hernando County, Florida, more specifically described herein, to voluntarily annex the Property into the corporate limits of the City.

**SECTION 5. LEGAL DESCRIPTION OF ANNEXED AREA.** That certain Property, as is depicted on Exhibit "B" which is attached hereto and incorporated herein by reference, and is more particularly described in this section is hereby voluntarily annexed into the corporate limits of the City of Brooksville, Florida.

The East ½ of the Northeast ¼ of the Northeast ¼ of Section 32, Township 22 South, Range 19 East, LESS Right of Way for existing Public Road.

Parcel ID R32 422 19 0000 0210 000

AND

The Northwest ¼ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, LESS the following described parcel:

Commencing at the Southeast corner of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida and thence go North 00°15'14" East, along 1/4 Section line, a distance of 1360.71 feet; thence go North 89 45' 54" West a distance of 402.41 feet to a point on the Westerly Right of Way line of U.S. 41 and the POINT OF BEGINNING; continue thence North 89 45'54" West a distance of 1251.78 feet; thence go North 00 14'06" East a distance of 325.97 feet; thence go South 89 45'54" East a distance of 1416.00 feet; thence go South 26 58'21" West, along said Westerly Right of Way of U.S. 41 a distance of 365.00 feet to the POINT OF BEGINNING.

AND

The South ½ of the West ½ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, LESS the East 14 acres thereof and LESS Right of Way for existing Public Road;

AND

LESS the following described property:

Commence at the Southwest corner of the Southeast ¼ of the Northwest ¼ of said Section 33; run thence South 89 33'07" West, 660.66 feet; thence North 00 13'12" West, 49 feet to a POINT OF BEGINNING; continue thence 1312.52 feet; thence North 89 36'27" East 211.58 feet; thence South 00 15'41" East 1313.60 feet; thence South 89 53'56" West, 212.57 feet to the POINT OF BEGINNING.

Parcel ID: R33 422 19 0000 0270 0010

**SECTION 6. CONDITIONS OR LIMITATIONS OF ANNEXATIONS.** The Property described herein is annexed subject to the following condition(s):

- A. If development occurs on this Property prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this Property, and zoning the Property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations, cause no expense to the City for expenses associated with the development of the property and be consistent with applicable Hernando County and City performance standards.
- B. Annexation shall include the integration of all of the public right-of-way lying directly adjacent to the annexed Property.

**SECTION 7. BOUNDARY MODIFICATIONS.** All City of Brooksville boundary maps, charter and ordinance provisions pertaining to boundaries, codes and regulations shall be automatically hereby amended so as to conform to the boundary revision described herein. The boundary lines of the City shall thereupon automatically be redefined as to include supplementary the land described and incorporated into this ordinance.

**SECTION 8. PUBLICATION.** That prior to final reading and passage of this ordinance, appropriate notice was published once a week for two (2) consecutive weeks in a newspaper of general circulation within the City and that a copy of said notice was provided by certified mail to the chief administrative officer of Hernando County, Florida.

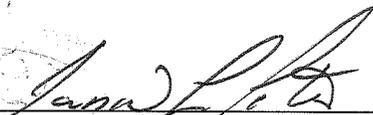
**SECTION 9. OFFICIAL FILING OF ORDINANCE.** That within seven (7) days after adoption, a certified copy of this Ordinance shall be forwarded and filed with the Clerk of the Circuit Court of Hernando County, Florida, and served upon the Chairman of the Board of County Commissioners of Hernando County, Florida; the Property Appraiser of Hernando County, Florida and the Department of State, Secretary of State, State of Florida; and such other entities which require notice of annexations.

**SECTION 10. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

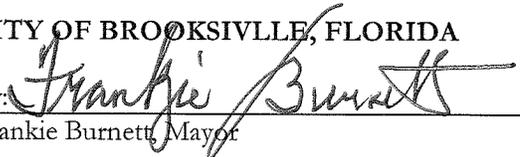
**SECTION 11. CONFLICTS AND REPEALER.** This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 12. AMENDMENT TO THE CODE.** The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 10, 11, and 12, shall not be codified.

**SECTION 13. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption.

Attest:   
Janice Peters, City Clerk, CMC

CITY OF BROOKSVILLE, FLORIDA

By:   
Frankie Burnett, Mayor

PASSED on First Reading December 20, 2010

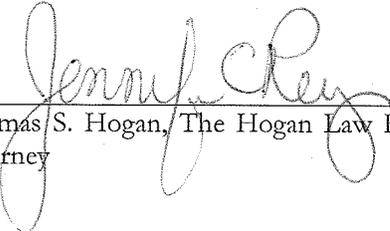
NOTICE to the County Administrator of the Hernando County Board of County Commissioners was sent via certified mail on the 22nd day of December, 2010.

NOTICE was mailed to affected parties (if any) via United States Certified Mail on the 5th day of January, 2011, 2010.

NOTICE Published on December 24, 2010 & December 31, 2010

PASSED on Second & Final Reading January 3, 2011

Approved as to form for the reliance of the City of Brooksville only:

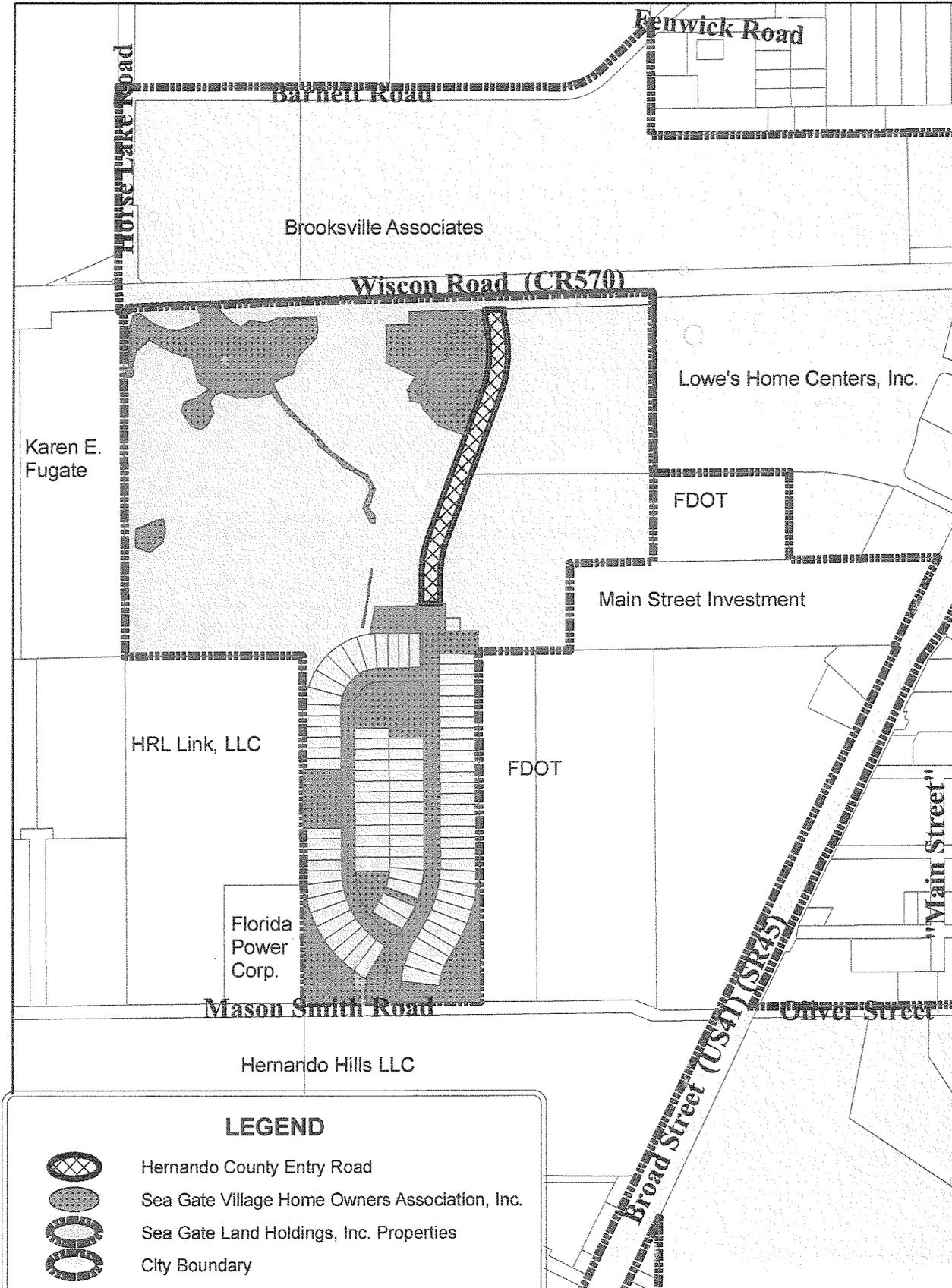
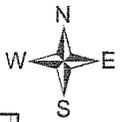
  
Thomas S. Hogan, The Hogan Law Firm, LLC, City Attorney

VOTE OF COUNCIL:

Bernardini AYE  
Bradburn AYE  
Burnett AYE  
Johnston AYE  
Pierce AYE



Sea Gate Annexation  
 Petition - December 2010  
 Ord. No. 815- EXHIBIT "A"



"Base map information provided by the Hernando County Property Appraiser's office.  
 Map created by the Brooksville Community Development Department.  
 Disclaimer: This map is intended for planning purposes only and should not be used to determine the precise location of any feature shown thereon.  
 2010/06/01 Map Preparation Date Land Holdings Annexation 2010.mxd