



Inst. # 2818159
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Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$86.50

VILLAGE OF INDIANTOWN, FLORIDA

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, PROVIDING FOR THE VOLUNTARY CONTRACTION OF THE VILLAGE BOUNDARY BY DEANNEXING 11 PARCELS AND APPROXIMATELY 60.73 ACRES OF REAL PROPERTY, GENERALLY LOCATED TO THE EAST OF LITTLE RANCH ESTATES SUBDIVISION, AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF VILLAGE BOUNDARIES TO CONTRACT THE SUBJECT PROPERTIES FROM THE VILLAGE BOUNDARIES; PROVIDING FOR IMPLEMENTATION, APPORTIONMENT, AND NOTICE TO APPROPRIATE AGENCIES; AND PROVIDING FOR FINDINGS, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, prior to the incorporation of the Village of Indiantown, residents of a neighborhood known as Little Ranch were polled about their interest in being within the Village boundary, and a majority of those polled expressed a desire to remain in unincorporated Martin County; and

WHEREAS, after the Village's incorporation, Village staff at the time found errors in the legal description adopted by the Florida Legislature in the special law authorizing the creation of the Village, and as a result, the initial Village staff, working with a surveyor, formulated a corrected legal description that was adopted by the Village Council and the Martin County Property Appraiser by interlocal agreement, and subsequently incorporated into a "glitch" bill passed by the Florida Legislature; and

WHEREAS, while the corrected legal description continued to exclude the platted Little Ranch Estates subdivision from the Village, the corrected legal description nonetheless incorporated 11 parcels, legally described as set forth in Exhibit "A" hereto and as depicted in Exhibit "B" hereto, located immediately to the east of the subdivision which, although they are not part of the platted Little Ranch Estates subdivision, have historically been considered to part of the Little Ranch neighborhood; and

WHEREAS, the owners of at least 10 of the 11 parcels have indicated to the Village that it had been their desire to remain outside the Village boundary, and that they would like to be deannexed therefrom; and

WHEREAS, Chapter 171, Florida Statutes, provides the exclusive method of municipal annexation or contraction in order to ensure sound urban development and efficient provision of urban services; and

WHEREAS, Section 171.051, *et. seq.*, Florida Statutes, provides for contraction procedures, and provides that a municipality may by ordinance contract its municipal boundaries upon a finding that the area to be excluded fails to meet the criteria for annexation set forth in Section 171.043, Florida Statutes; and

WHEREAS, the Village Planning Director has conducted an analysis of the 11 parcels and prepared a staff report finding that area to be excluded fails to meet the criteria for annexation set forth in Section 171.043, Florida Statutes; and

WHEREAS, pursuant to the staff analysis, and applying the criteria of Section 171.043(2), Florida Statutes, the area to be excluded is not developed for urban purposes as defined in such statute, as the area to be excluded does not have a total resident population equal to at least two persons for each acre of land within the area's boundaries, does not have a total resident population equal to at least one person for each acre of land within the area's boundaries and is not subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size, and the area is not so developed that at least 60 percent of the total number of lots and tracts in the area are used for urban purposes, and it is not subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size; and

WHEREAS, further applying the criteria of Section 171.043(3), Florida Statutes, the area to be excluded does not lie between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area, and the area to be excluded is not adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in Section 171.043(2), Florida Statutes; and

WHEREAS, further applying the criteria of Section 171.052, Florida Statutes, the exclusion of the area to be excluded would not result in a portion of the municipality becoming noncontiguous with the rest of the municipality; and

WHEREAS, as such, the Village Council finds that the 11 parcels specified herein are eligible for deannexation; and

WHEREAS, the Village Council, in the exercise of its legislative discretion, finds that it is appropriate to deannex the 11 parcels specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA AS FOLLOWS:

SECTION 1. RECITALS. The above recitals and “Whereas” clauses are hereby included as findings by the Village Council of the Village of Indiantown, and are otherwise fully incorporated herein.

SECTION 2. CONTRACTION OF VILLAGE BOUNDARIES AND DEANNEXATION OF PROPERTIES. The parcels of real property described in Exhibit “A” hereto and depicted in Exhibit “B” hereto, shall be and are hereby deannexed from the Village of Indiantown, and such parcels of real property shall be excluded from the existing boundaries of the Village of Indiantown from the effective date of this ordinance.

SECTION 3. IMPLEMENTATION. The Village Manager, or designees, shall ensure that the property contracted/de-annexed by this Ordinance is removed from the Village of Indiantown Comprehensive Plan, and the map of the Village Limits of the Village of Indiantown in an expeditious manner. The Village Manager, or designees, are hereby authorized and directed to legally describe and map the revised Village Limits of the Village of Indiantown and to take any and all appropriate actions or propose actions to the Village Council as may be authorized in accordance with controlling law.

SECTION 4. NOTICE TO APPROPRIATE AGENCIES. Within seven (7) days after the adoption of this Ordinance, the Village Clerk shall file a copy of said Ordinance with the Clerk of the Circuit Court (Land Records/Recording), with the Chief Administrative Officer of Martin County (the County Administrator), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

SECTION 5. APPORTIONMENT OF ANY PRIOR EXISTING DEBT AND PROPERTY. Pursuant to Section 171.052, Florida Statutes, no portion of the existing debt and property of the Village of Indiantown shall be apportioned to Martin County as a result of this contraction.

SECTION 6. SEVERABILITY. The provisions of this Ordinance are deemed severable. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance is for any reason whatsoever held to be invalid, illegal, unconstitutional, contrary to law, or against public policy, by any court, administrative agency, or other body with competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This Ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Ordinance as expressed herein.


SECTION 7. CONFLICTS. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.

PASSED on first reading on the 23rd day of April, 2020.

ADOPTED on second reading on the 14th day of May, 2020.


ATTEST:

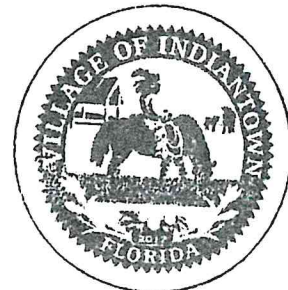

SUSAN A. OWENS, MPA, MMC
VILLAGE CLERK

VILLAGE OF INDIANTOWN, FLORIDA


GUYTON STONE,
MAYOR

REVIEWED FOR FORM
AND CORRECTNESS:


WADE C. VOSE,



VILLAGE ATTORNEY

Exhibit "A"

Parcel #29-39-39-000-000-00060-2

Owner: Stephen C. and Anna R. Blake

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 1994.10 feet; thence N 89°59'45" E a Distance of 495.00 feet to the POINT OF BEGINNING of the following described Parcel:

Thence continue N 89°59'45" E a distance of 332.59 feet; thence N 13°43'42" W a distance of 679.43 feet; thence N 89°37'12" W a distance of 167.36 feet; thence S 00°20'45" W a distance of 661.17 feet to the POINT OF BEGINNING.

Containing 3.79 acres

Parcel #29-39-39-000-000-00061-0

Owner: Allen R. Gilliam and Lois T. Gilliam

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 1994.10 feet; thence N 89°59'45" E a Distance of 495.00 feet to the POINT OF BEGINNING of the following described Parcel:

Thence continue N 00°20'45" E along the West line of Section 29, a distance of 664.50 feet, to the West one quarter corner of said Section 29; thence S 89°37'12" E a distance of 165.00 feet; thence S 00°20'45" W a distance of 663.38 feet; thence S 89°59'45" W a distance of 165.00 feet to the POINT OF BEGINNING.

Containing 2.51 acres, more or less

Ordinance No. 02-2020 – Deannexation of 11 Parcels East of Little Ranch v2

Parcel #29-39-39-000-000-00060-2

Owner: Allen R. Gilliam and Lois T. Gilliam

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 2658.60 feet, to the West one-quarter corner of said Section 29; thence S 89°37'12" E a Distance of 165.00 feet to the POINT OF BEGINNING of the following described Parcel:

Thence continue S 89°37'12" E a distance of 165.00 feet; thence S 00°20'45" W a distance of 662.28 feet; thence S 89°59'45" W a distance of 165.00 feet; thence N 00°20'45" E a distance of 663.38 feet to the POINT OF BEGINNING.

Containing 2.51 acres, more or less

Parcel #29-39-39-000-000-00063-0

Owner: Allen R. Gilliam and Lois T. Gilliam

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 1994.10 feet; thence N 89°59'45" E a distance of 330.00 feet to the POINT OF BEGINNING of the following described Parcel:

Thence continue N 89°59'45" E a distance of 165.00 feet; thence N 00°20'45" E a distance of 661.17 feet; thence N 89°37'12" W a distance of 165.00 feet; thence S 00°20'45" W a distance of 662.28 feet to the POINT OF BEGINNING.

Containing 2.51 acres

Parcel #29-39-39-000-000-00070-0

Owner: Terry Neal Wilkes, Jr.

Legal: From the Southwest corner of Section 29, Township 39 South, Range 39 East, Martin County, Florida, run North 0°20'45" East along the West line of said Section 29 a distance of 664.80 feet, to a point in centerline of Palomino Road; continue North 89°59'45" East 1160.34 feet; thence run South 13°43'42" East 664.32 feet; thence run South 89°59'45" West 1329.11 feet to a Point of Beginning.

Ordinance No. 02-2020 – Deannexation of 11 Parcels East of Little Ranch v2

Parcel #29-39-39-000-000-00071-9

Owner: Adam R. Gilliam and Christina D. Gilliam as husband and wife

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 1641.30 feet; thence S 89°43'15" E a distance of 437.59 feet to the POINT OF BEGINNING of the following described Parcel:

Thence continue S 89°43'15" E a distance of 479.44 feet; thence S 13°43'42" E a distance of 316.50 feet; thence S 89°59'45" W a distance of 556.41 feet; thence N 00°20'45" E a distance of 309.84 feet to the POINT OF BEGINNING.

Containing 3.67 acres, more or less

Parcel #29-39-39-000-000-00072-8

Owner: Allen R. Gilliam and Lois T. Gilliam

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 1994.10 feet; thence N 89°59'45" E a distance of 437.60 feet to the POINT OF BEGINNING of the following described Parcel:

Thence continue N 89°59'45" E a distance of 390.00 feet; thence S 13°43'42" E a distance of 367.83 feet; thence N 89°43'15" W a distance of 479.44 feet; thence N 00°20'45" E a distance of 354.96 feet to the POINT OF BEGINNING.

Containing 3.55 acres, more or less

Ordinance No. 02-2020 – Deannexation of 11 Parcels East of Little Ranch v2

Parcel #29-39-39-000-000-00073-0

Owner: Allen R. Gilliam and Lois T. Gilliam

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 1329.30 feet; to the POINT OF BEGINNING of the following described Parcel:

Thence continue N 00°20'45" E along said West line of Section 29, a distance of 312.00 feet; thence S 89°43'15" E a distance of 437.59 feet; thence S 00°20'45" W a distance of 309.84 feet; thence S 89°59'45" W a distance of 437.60 feet to the POINT OF BEGINNING.

Containing 3.12 acres, more or less

Parcel #29-39-39-000-000-00074-0

Owner: Allen R. Gilliam and Lois T. Gilliam

Legal: Being a tract of land lying in Section 29, Township 39 South, Range 39 East, Martin County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 29 thence N 00°20'45" E, along the West line of said Section 29, a distance of 1641.30 feet; to the POINT OF BEGINNING of the following described Parcel:

Thence continue N 00°20'45" E along said West line of Section 29, a distance of 352.80 feet; thence N 89°59'45" E a distance of 437.60 feet; thence S 00°20'45" W a distance of 354.96 feet; thence N 89°43'15" W a distance of 437.59 feet to the POINT OF BEGINNING.

Containing 3.56 acres, more or less

Parcel #29-39-39-000-000-00081-7

Owner: Martin Tait

Legal: From the Southwest corner of Section 29, Township 39 South, Range 39 East, Martin County, Florida, run North 0°20'45" East along the West line of said Section 29 a distance of 664.80 feet, to a point in centerline of Palomino Road and the Point of Beginning; thence continue North 00°20'45" East along said West line a distance of 664.50 feet; thence North 89°59'45" East a distance of 994.0 feet; thence run South 13°43'42" East a distance of 684.02 feet; thence South 89°59'45" West for a distance of 1160.34 feet to the Point of Beginning.

Ordinance No. 02-2020 – Deannexation of 11 Parcels East of Little Ranch v2

Parcel #29-39-39-000-000-00082-6

Owner: Richard L. Thompson, Jr., a single man

Legal: From the Southwest corner of Section 29, Township 39 South, Range 39 East, Martin County, Florida, run North 00°20'45" East along the West line of said Section 29 a distance of 664.80 feet, to a point in centerline of Palomino Road and the Point of Beginning; thence continue North 00°20'45" East along said West line a distance of 664.50 feet; thence North 89°59'45" East a distance of 346.0 feet; thence run South 00°20'45" West a distance of 664.50 feet; thence South 89°59'45" West for a distance of 346.00 feet to the Point of Beginning.

