

VILLAGE OF INDIANTOWN, FLORIDA

ORDINANCE NO. 04-2020

AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY TOTALING 57.72 ACRES OF REAL PROPERTY IN THE PLATTED VENTURE PARK PUD INDUSTRIAL SUBDIVISION, GENERALLY LOCATED IN THE NORTHERN PORTION OF THE SUBDIVISION, WHICH PROPERTY IS CONTIGUOUS TO THE VILLAGE OF INDIANTOWN IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES, AND OTHER CONTROLLING LAW; REDEFINING THE BOUNDARIES OF THE VILLAGE OF INDIANTOWN TO INCLUDE SAID PROPERTY; PROVIDING FOR LEGAL DESCRIPTION AND A MAP; PROVIDING FOR IMPLEMENTATION AND NOTICE TO APPROPRIATE AGENCIES; AND PROVIDING FOR FINDINGS, CONFLICTS, NON-CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Porto Properties, LLC, the owner of the Subject Property as described herein, has petitioned, pursuant to Section 171.044, Florida Statutes, for voluntary annexation of the Subject Property into the municipal limits of the Village of Indiantown, which property totals approximately 60.73 acres in size and is generally described as the northern portion of the Venture Park PUD industrial subdivision; and

WHEREAS, Village staff have reviewed and recommended approval of the annexation of the Subject Property to the Village Council of the Village of Indiantown, and has accomplished all actions required under applicable Florida law; and

WHEREAS, the Village Council, upon the recommendation of Village staff and the Village Attorney, has determined that all of the Subject Property proposed to be annexed into the Village of Indiantown is within an unincorporated area of Martin County, is reasonably compact and contiguous to the corporate boundaries of the Village of Indiantown, and has further determined that the annexation of the Subject Property

will not result in the creation of any enclave, and that the annexation of the Subject Property otherwise fully complies with the requirements of applicable Florida law; and

WHEREAS, the Village Council has taken all actions in accordance with the requirements and procedures mandated by Florida law with respect to the annexation of the Subject Property; and

WHEREAS, the Village Council, in the exercise of its legislative discretion, hereby determines that it is to the advantage of the Village of Indiantown and in the best interests of the citizens of the Village Council to annex the Subject Property; and

WHEREAS, the provisions of Section 166.031(3), Florida Statutes, provide that a municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Florida Department of State; and

WHEREAS, the provisions of Section 171.091, Florida Statutes, provide as follows:

Recording.— Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter 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; and

WHEREAS, the metes and bounds legal description and the map attached hereto Exhibits “A” and “B”, respectively, show, describe, and depict the Subject Property which is hereby annexed into the Village of Indiantown.

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. ANNEXATION OF SUBJECT PROPERTY AND CHANGE OF VILLAGE BOUNDARIES. The Subject Property, as defined herein, is hereby annexed into and made a part of the Village of Indiantown pursuant to the voluntary annexation

provisions of Section 171.044, Florida Statutes, and other controlling law. The Village boundaries are hereby changed and redefined to include the Subject Property.

SECTION 3. EFFECT OF ANNEXATION. Upon this Ordinance becoming effective, the property owners of the Subject Property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the Village of Indiantown as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the Village of Indiantown and the provisions of said Chapter 171, Florida Statutes.

SECTION 4. IMPLEMENTATION. The Village Manager, or designees, shall ensure that the Subject Property annexed by this Ordinance is incorporated into the Village of Indiantown Comprehensive Plan, the Official Zoning Map of the Village of Indiantown, 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 5. 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, , with the Office of Economic and Demographic Research (along with a statement specifying the population census effect and the affected land area), and with such other agencies and entities as may be required by law or otherwise desirable.

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. NON-CODIFICATION. The provisions of this Ordinance shall not be codified, but the annexed Subject Property shall be incorporated and included in all appropriate maps of the Village Limits of the Village of Indiantown by the Village Manager, or designee, and the Village Manager, or designee, is hereby directed to take any and all appropriate actions relative to the land use planning documents of the Village pertaining to the Subject Property annexed pursuant to this Ordinance.

SECTION 8. CONFLICTS. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.


PASSED on first reading on the 27th day of August, 2020.

ADOPTED on second reading on the 10th day of September 2020.

ATTEST:


Susan A. Owens, MPA, MMC
Village Clerk

REVIEWED FOR FORM
AND CORRECTNESS:


Wade C. Vose,
Village Attorney

Village of Indiantown, Florida

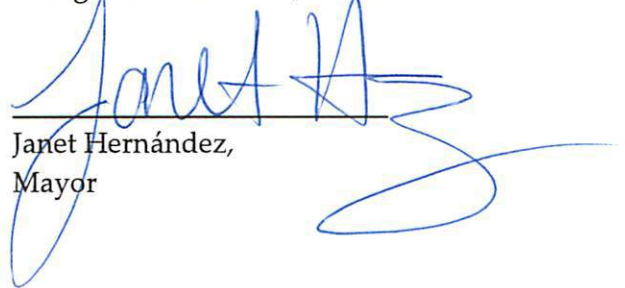

Janet Hernández,
Mayor



Exhibit "A"

Subject Property to be Annexed

BEING THOSE PARCELS OF LAND SITUATED IN THE NW 1/4 OF SECTION 26, TOWNSHIP 39 SOUTH, RANGE 38 EAST, MARTIN COUNTY, FLORIDA, AND SAME BEING IN THE PLAT OF VENTURE PARK P.U.D., AS RECORDED IN PLAT BOOK 16, PAGE 82, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ANY PORTION AND/OR ALL OF THOSE LOTS, TRACTS, PRESERVATION AREAS, LAKE TRACT, COMMON AREAS (C/A) AND RIGHT OF WAYS, LYING SOUTH OF THE NORTH LINE OF SAID PLAT OF VENTURE PARK P.U.D. AND LYING WEST OF THE EAST LINE OF SAID PLAT OF VENTURE PARK P.U.D., AND LYING EAST OF THE WEST LINE OF SAID SECTION 26, TOWNSHIP 39 SOUTH, RANGE 38 EAST; SAID PARCELS BEING AFFECTED:

PRESERVATION AREA #2, LOT 24, LAKE TRACT, PRIVATE RIGHT OF WAY KNOW AS 'IMPACT DRIVE', LOT 23, LOT 22, LOT 21, PRESERVATION AREA #1, LOT 12, LOT 11, LOT 10, LOT 9, LOT 8, COMMON AREAS (C/A), AND FOX BROWN ROAD RIGHT OF WAY (PUBLIC); ALL LYING AND BEING IN MARTIN COUNTY, FLORIDA.

SAID LANDS CONTAINING 2,514,487± SQ.FT. (57.72± ACRES).

Exhibit "B"

Subject Property – Portion shaded to be annexed

