



Legislation Details (With Text)

File #: 2024-0966
Type: Ordinance **Status:** Passed
File created: 3/8/2024 **In control:** City Council
On agenda: 3/19/2024 **Final action:** 3/19/2024
Title: Adopt Ordinance 2024-20 annexing property located in the 6000 block of SW 38th Street (Parcel 23820-011-00, 23820-012-00, 23820-012-01, 23820-012-02, 23820-012-03); approximately 19.4 acres. (Case ANX23-45495) (Quasi-Judicial)
Sponsors: Jay A. Musleh
Code sections:
Attachments: 1. ANX23-45495 Packet Details, 2. 2-12-24 Minutes

Date	Ver.	Action By	Action	Result
3/19/2024	1	City Council	Adopted	Pass

Submitted By: Divya Govindaraju

Presentation By: Endira Madraveren

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Adopt Ordinance 2024-20 annexing property located in the 6000 block of SW 38th Street (Parcel 23820-011-00, 23820-012-00, 23820-012-01, 23820-012-02, 23820-012-03); approximately 19.4 acres. (Case ANX23-45495) (Quasi-Judicial)

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner: M A F Ocala, Inc
- Agent: N/A
- Property Owner: M A F Ocala, Inc
- The subject properties are in unincorporated Marion County and the petitioner is requesting to annex the properties into the city to obtain city services.
- The developer is proposing the development of an RV and Boat Storage facility; however, a site plan for the proposed development has not been submitted at this time.

- The current use of the subject properties, for storage of vehicles and shipping containers on grass, is not primary use in the requested M-2, Medium Industrial. The applicant has indicated that the existing non-conforming uses on the subject properties shall not continue.
- The subject properties are contiguous to the city limits and the annexation into the city limits does not create an enclave.
- Adequate public facilities are available for the subject properties.
- The petitioner has submitted concurrent applications for a land use change to Low Intensity (Case: LUC23-45497) and rezoning to M-2, Medium Industrial (Case: ZON23-45498).
- The Planning & Zoning Commission recommended approval with a 4-0 vote at their February 12, 2024, meeting.

FINDINGS AND CONCLUSIONS: The subject properties are contiguous to the city limits and the annexation into the city limits does not create an enclave. The applicant has indicated that the existing non-conforming uses on the subject properties shall not continue. Adequate public facilities are available for the subject properties. Adequate public facilities exist to service the proposed development. Staff recommends approval.

FISCAL IMPACT: N/A

PROCUREMENT REVIEW: N/A

LEGAL REVIEW: The ordinance is pending review by the City Attorney, William E. Sexton.

ALTERNATIVE:

- Approve with changes
- Deny
- Table

ORDINANCE 2024-20

AN ORDINANCE ANNEXING TO THE CITY OF OCALA, FLORIDA CERTAIN PROPERTY LOCATED IN THE 6000 BLOCK OF SW 38TH STREET (PARCEL 23820-011-00, 23820-012-00, 23820-012-01, 23820-012-02, AND 23820-012-03), MARION COUNTY, FLORIDA, PURSUANT TO CHAPTER 171, FLORIDA STATUTES, PROVIDING FOR TERMS AND CONDITIONS OF SAID ANNEXATION, DESCRIBING THE AREA TO BE ANNEXED; PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATION AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; AND

PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, owners of real property to an unincorporated area of Marion County which is contiguous to the City of Ocala, Florida, have petitioned the City Council of the City of Ocala that said property be annexed to the City of Ocala, Florida, in accordance with Section 171.044, Florida Statutes; and

WHEREAS, it has been determined by the City Council of the City of Ocala, Florida, that the petition bears the signature of all owners of property in the area proposed to be annexed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. City Council of the City of Ocala, Florida in accordance with the powers given and granted to said City of Ocala in and by Chapter 171, Florida Statutes, does hereby redefine the boundary lines of the City of Ocala, so as to include therein the property contiguous thereto and described as follows:

A TRACT OF LAND GENERALLY COMPRISED OF THE FOLLOWING PARCELS OF RECORD:

PARCEL 23820-011-00: DESCRIBED IN OFFICIAL RECORDS BOOK 2793, PAGES 424 AND 425, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-00: DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1806 AND 1807, LESS AND EXCEPT THE LANDS IDENTIFIED AS PARCEL 23820-012-04 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4101, PAGES 963 AND 964, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-01: DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1801 AND 1802, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-02: DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1808 AND 1809, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-03: DESCRIBED IN OFFICIAL RECORDS BOOK 2784, PAGES 573 AND 574, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

SAID TRACT LYING IN THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SW 60TH AVENUE WITH THE NORTH RIGHT-OF-WAY LINE OF SW 38TH STREET (SAID INTERSECTION BEING 30 FEET WEST OF AND 25 FEET NORTH OF THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 15 SOUTH, RANGE 21 EAST); THENCE WESTERLY, ALONG THE NORTH RIGHT-OF-WAY LINE OF SW 38TH STREET, 217.80 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARCEL 23820-012-04 (AS DESCRIBED IN OFFICIAL RECORDS BOOK 4101, PAGES 963 AND 964 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA) AND TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1148.43 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF PARCEL 23820-011-06 (AS DESCRIBED IN OFFICIAL RECORDS

BOOK 3077, PAGES 1539 THROUGH 1541, INCLUSIVE, OF SAID PUBLIC RECORDS); THENCE NORTHERLY, ALONG THE EAST LINE OF SAID PARCEL, 637.54 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE EASTERLY, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 29 AND ALONG A SOUTH LINE OF THE CORPORATE LIMITS OF THE CITY OF OCALA (ANNEXED PURSUANT TO APPLICATION NO. 91-6 BY VIRTUE OF ORDINANCE NO. 2219, A COPY OF WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 1753, PAGES 730 THROUGH 734, INCLUSIVE, OF SAID PUBLIC RECORDS), 1364.18 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF PARCEL 23820-012-00 (AS DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1806 AND 1807, LESS AND EXCEPT THE LANDS IDENTIFIED AS PARCEL 23820-012-04 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4101, PAGES 963 AND 964, OF SAID PUBLIC RECORDS) AND TO THE WEST RIGHT-OF-WAY LINE OF SW 60TH AVENUE; THENCE SOUTHERLY, ALONG SAID WEST RIGHT-OF-WAY LINE, 436.58 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF AFOREMENTIONED PARCEL 23820-012-04; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID PARCEL AND ALONG A NORTH LINE OF THE CORPORATE LIMITS OF THE CITY OF OCALA (ANNEXED PURSUANT TO APPLICATION ANX05-0024 BY VIRTUE OF ORDINANCE NO. 5473, A COPY OF WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 4317, PAGES 566 THROUGH 568, INCLUSIVE, OF SAID PUBLIC RECORDS), 217.80 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF AFOREMENTIONED PARCEL 23820-012-04; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID PARCEL AND ALONG A WEST LINE OF THE AFOREMENTIONED CORPORATE LIMITS OF THE CITY OF OCALA ANNEXED BY VIRTUE OF ORDINANCE NO. 5473, 200.66 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Section 2. Direction to Staff. The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 3. Repealing Inconsistent and/or Conflicting Provisions. The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 4. Severability of Ordinance Provisions. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 5. Modifications Arising from Consideration at a Public Hearing. It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 6. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) the property described in Section 1 of this ordinance be annexed; (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the

authorization of the City Manager or their designee and without the need for additional public hearings or consideration by City Council.

Section 7. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
Barry Mansfield
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2024.

By: _____
Ben Marciano
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2024-20
Introduced: 3/5/2024
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.