

Submitted By: Emily W. Johnson, AICP

Presentation By: Emily Johnson

Department: Growth Management

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**STAFF RECOMMENDATION** (Motion Ready):

Introduce Ordinance 2024-49 to annex approximately 0.05 acres for property located at 2951 NW 47th Avenue, (Parcel 21509-001-00) (Case ANX24-45776) (Quasi-Judicial)

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**OCALA'S RELEVANT STRATEGIC GOALS:**

Quality of Place, Economic Hub

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**PROOF OF PUBLICATION:**

N/A

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**BACKGROUND:**

- Petitioner: Marion County Board of County Commissioners
- Property Owner: Marion County Board of County Commissioners

The petitioner requests annexation of an existing County-owned well site from unincorporated Marion County. The abutting parcel (Parcel 21509-001-00), which surrounds the subject property, is also being considered for annexation concurrently with this request. Staff requested that the petitioner annex the well site to avoid inadvertently creating an enclave, as defined by Florida Statutes (F.S) subsection 171.031(5)(a).

The subject property receives electric service from Ocala Electric Utility and is accessed by a platted 20-foot-wide ingress and egress easement that the annexation will not impact. The existing well site is not anticipated to require additional public facilities or infrastructure.

The petitioner has also submitted concurrent applications for a land use change to Public (Case: LUC24-45777) and rezoning to G-U, Governmental Use (Case: ZON24-45778).

**FINDINGS AND CONCLUSIONS:** The proposed annexation satisfies the statutory requirements for annexation into the city and will avoid the creation of an enclave. City electric services currently serve the subject property. The annexation request will not adversely affect the community's health, safety, convenience, prosperity, or general welfare.

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

**SUPPORT MATERIALS:**

- Staff Report
- Case Map
- Aerial Map

# ORDINANCE 2024-49

AN ORDINANCE ANNEXING TO THE CITY OF OCALA, FLORIDA CERTAIN PROPERTY LOCATED AT 2951 NW 47TH AVENUE (PARCEL NUMBER 21509-001-00), APPROXIMATELY 0.05 ACRES (ANX24-45776), 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 below:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, AND PROCEED SOUTH 89 DEGREES 58 MINUTES 20 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 3, A DISTANCE OF 2460.21 FEET TO THE OLD WEST RIGHT OF WAY LINE OF NORTHWEST 44<sup>TH</sup> AVENUE; THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST, ALONG SAID OLD WEST RIGHT OF WAY LINE, A DISTANCE OF 2150.16 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 10 SECONDS WEST, ALONG THE SOUTH BOUNDARY LINE OF QUAIL MEADOW AS RECORDED IN PLAT BOOK Y, PAGES 89 THROUGH 91, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, A DISTANCE OF 605.62 FEET TO AN IRON ROD & CAP; THENCE CONTINUE SOUTH 89 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 539.85 FEET TO A POINT; THENCE SOUTH 89 DEGREES 09 MINUTES 21 SECONDS WEST, A DISTANCE OF 69.36 FEET TO AN IRON ROD & CAP; THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST, A DISTANCE OF 176.51 FEET TO A POINT; THENCE SOUTH 89 DEGREES 40 MINUTES 57 SECONDS EAST, A DISTANCE OF 196.46 FEET TO

AN IRON ROD & CAP AT THE POINT OF BEGINNING OF THE EXISTING WELLS AND TANK FACILITIES SITE; THENCE SOUTH 89 DEGREES 40 MINUTES 57 SECONDS EAST, A DISTANCE OF 60.67 FEET TO AN IRON ROD & CAP; THENCE SOUTH 00 DEGREES 19 MINUTES 52 SECONDS WEST, A DISTANCE OF 36.94 FEET TO AN IRON ROD & CAP; THENCE NORTH 89 DEGREES 34 MINUTES 20 SECONDS WEST, A DISTANCE OF 60.45 FEET TO AN IRON ROD & CAP; THENCE NORTH 00 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 36.83 FEET TO THE IRON ROD & CAP AT THE POINT OF BEGINNING. SAID EXISTING WELLS AND TANK FACILITY SITE, LYING AND BEING SITUATED IN MARION COUNTY, FLORIDA.

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:**

By: \_\_\_\_\_  
Angel B. Jacobs  
City Clerk

**CITY OF OCALA**

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: 2024-49  
Introduced: 9/3/2024  
Adopted: Click or tap to enter a date.  
Legal Ad No: Click or tap here to enter text.