

Ordinance No. 2024-4808

An ordinance of the City of Sanford, Florida, annexing by voluntary petition certain real properties (Tax identification Parcel Number 29-19-31-300-0120-0000) which is generally addressed as 2340 Celery Avenue located contiguous to the City of Sanford, together with associated right-of-way, in accordance with the voluntary annexation provisions of Section 171.044, *Florida Statutes*; redefining the boundaries of the City of Sanford to include said property; amending the boundaries of the City in accordance with the provisions of Section 166.031, *Florida Statutes*; providing for findings; providing for conditions; directing the City Clerk to record the ordinance with the Clerk of the Circuit Court, with the Chief Administrative Office of Seminole County and with the Department of State; providing for legal description and a map and providing for the incorporation of that exhibit; repealing all ordinances in conflict herewith; providing for severability; providing for non-codification and the taking of administrative actions and providing for an effective date.

Whereas, the following is the fee simple title owner of the real property being assigned the following Tax Identification Parcel Number by the Seminole County Property Appraiser:

<u>Tax Identification Parcel Number</u>	<u>Owner</u>
29-19-31-300-0120-0000	Dave's House At Celery, LLC, a Florida limited liability company.

; and

Whereas, the records of the Florida Department of State (Sunbiz online system) shows no managers or authorized persons of Dave's House At Celery, LLC, but does show Elena Norman as the registered agent of the entity; and

Whereas, the subject real property totals 4.87 acres in size which is addressed as 2340 Celery Avenue and located on the north side intersection of Celery Avenue and Brisson Avenue; and

Whereas, City staff reviewed and recommended approval of the annexation of said property to the City Commission of the City of Sanford and has accomplished all actions required under the *Code of Ordinances of the City of Sanford* and State law; and

Whereas, the City Commission, upon the recommendation of City staff and

the City Attorney, has determined that all of the property which is proposed to be annexed into the City of Sanford is within an unincorporated area of Seminole County, is reasonably compact and contiguous to the corporate areas of the City of Sanford, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law relative to annexation it being specifically found and determined that the property being annexed does not leave any real property in unincorporated Seminole County totally enclosed within the City Limits of the City; and

Whereas, the City Commission of the City of Sanford, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

Whereas, the City Commission of the City of Sanford, Florida hereby determines that it is to the advantage of the City of Sanford and in the best interests of the citizens of the City of Sanford to annex the afore described 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 Department of State pursuant to the requirements of controlling law; 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 map and the legal descriptions attached hereto as Exhibit “A” shows, describes and depicts the property which is hereby annexed into the City of Sanford said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

Now, Therefore, be it Enacted By the People of the City Of Sanford, Florida, as follows:

Section 1. Legislative and Administrative Findings/Annexation of Property.

(a). The recitals set forth above in the “whereas clauses” are hereby adopted as legislative findings of the City Commission of the City of Sanford.

(b). The property that is the subject of this Ordinance consists of the following parcel of land assigned the Tax Identification Parcel Number set forth above and below, said property being situated in Seminole County, Florida:

Tax Parcel Identification Number 29-19-31-300-0120-0000 (See Exhibit “A” (map)).

together with all right-of-way of Celery Avenue east and west of the subject annexed property; and all of said property is hereby annexed into and are hereby made a part of the City of Sanford, Florida pursuant to the provisions of Section 171.044, *Florida Statutes*.

(c). The property currently has a group home use on the site, but the applicant is seeking to establish a 16-unit single family residential subdivision (8 duplex units) on the site, after annexation of the subject real property, although the lawfulness of that land use is under review. City water, sewer and reclaimed water is available. Water is available using an 8” water main on the north side of Celery Avenue. Sewer (wastewater) service is available using a 6” force main and a 24” reclaimed water line on the south side of Celery Avenue. In order to connect to the force main, future development of the site will require construction of a lift station to connect to the City sewer (wastewater) system. The property owner shall be responsible for all impact and connection fees associated with obtaining utility services from the City to serve the annexed property. The property owner of the annexed property fully understands that the property owner and the transferees and assigns of the property owner shall incur any and all of the costs of routing, extending, connecting, sizing and installing all utility services to the annexed property that may result and be incurred as well as the obligation to pay any and all other applicable fees and costs in any way relating to connection to, metering of, and provision of services by, the City’s utility systems. Future development shall meet all utility code and system requirements as well as the requirements of controlling State law. The property owner shall be responsible for any and all costs and expenses relating to the routing of any and all lines to the subject property and for providing any necessary facilities and equipment including, but not limited to, the granting of utility easements to the City as may be determined to be necessary by the City the granting of such easements being lawful exactions under controlling Florida law.

(d). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, “[a] municipality may amend its charter pursuant to this section

notwithstanding any charter provisions to the contrary. . . . 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 Department of State . . .” This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties.

Section 2. Effect of Annexation. Upon this Ordinance becoming effective, the property owner of the said property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City of Sanford, Florida 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 City of Sanford, Florida and the provisions of said Chapter 171, *Florida Statutes*. The City has not waived any rights or remedies by taking the action set forth herein or by approving any successive development orders and reserves any and all rights and remedies available to the City under controlling law including, but not limited to, the protections under the laws pertaining to sovereign immunity.

Section 3. Administrative Actions.

(a). Within 7 days of the enactment of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Seminole County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Manager, or designees within City management staff, shall ensure that the property annexed by this Ordinance is incorporated into *the City of Sanford Comprehensive Plan* and the Official Zoning Map of the City of Sanford in an expeditious manner and, in accordance with, and pursuant to, the provisions of Under the authority of Section 166.031(3), *Florida Statutes*, the City Manager, or designees, shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said property to include, but not be limited to, annexed rights-of-way and natural features. Also, in accordance with the provisions of Section 171.091, *Florida Statutes*, a copy of the document submitted to the Florida Department of State 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.

Section 4. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any

other section, sentence, phrase, word, or portion of this Ordinance not otherwise invalid, unlawful, or unconstitutional.

Section 6. Codification. The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the City Limits of the City of Sanford by the City Manager, or designee(s), and the City Manager, or designee(s), is/are hereby directed to take any and all appropriate actions relative to the land use planning documents of the City pertaining to the property annexed pursuant to this Ordinance. Also, all maps of the City shall be modified to address this annexation and all previous annexations.

Section 7. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this 18th day of November, 2024.

Attest:

**City Commission of the City of
Sanford, Florida**

Traci Houchin, MMC, FCRM
City Clerk

Art Woodruff
Mayor

For use and reliance of the Sanford
City Commission only.
Approved as to form and legality.

William L. Colbert
City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

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The City is of the view that the following exception(s) to the Business Impact Estimate requirement, that are checked off in a box below, apply to the above-referenced proposed ordinance. Although, the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or

- The proposed ordinance is enacted to implement the following:
- a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The proposed ordinance is intended to incorporate the subject property into the City of Sanford in order to obtain water and sewer for a 16-unit single family residential subdivision (8 duplex units). The proposed use will have an impact.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

When annexed into the City, the properties will be assed the City of Sanford Millage rate and will result in additional Revenue to the City.

3. Estimate of direct compliance costs that businesses may reasonably incur:

The applicant will be responsible for all permitting and impact fees.

4. Any new charge or fee imposed by the proposed ordinance:

When annexed into the City, the property will be assed the City of Sanford Millage rate in addition to the County Taxes.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

It is impossible to quantify any potential regulatory costs of the proposed development.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

It is unknown if any businesses will be impacted by the development of the site.

7. Additional information

Not applicable.

INTERVIEWS

October 28, 2024

Firefighter's Pension

Smitha Sony (Smithamol Gregorious Thomas)

Historic Preservation Board

Reappoint Sara Clore

Reappoint Steven Schwyler

Sanford Airport Authority

Reappoint Richard Sweat

Sanford Museum Board

Reappoint Sean McCann

Raymond Harms ✓

Mary Snipes ✓

Charles Meyer

~~Patrick~~ Kerry / Patty.

- There are only three (3) interviews for the Sanford Museum, you need two (2) appointments.
- You need one (1) appointment for the Firefighter's Pension; however, he is out of the country currently but is interested in serving.
- There are a total of four (4) **reappointments** that were not asked to be interviewed.