

MAY 25 2022

ORDINANCE NO. 2022- 15

Office of the
County Administrator

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA;
REQUESTED BY INDIAN RIVER LAND TRUST, INC. AND MARC
ROSE AND DOROTHY STRUNK, CO-TRUSTEES OF THE
GATOR GROUP LAND TRUST AGREEMENT TO
VOLUNTARILY ANNEX PROPERTIES LOCATED AT THE
NORTHEAST AND SOUTHWEST CORNERS OF INDIAN RIVER
BOULEVARD AND 37th STREET, CONTAINING 42.36 ACRES
MORE OR LESS, PURSUANT TO THE VOLUNTARY
ANNEXATION PROVISIONS OF SECTION 171.044 FLORIDA
STATUTES; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, section 171.044 Florida Statutes, provides for voluntary annexation of property into a municipality, provided, among other things, that the property is contiguous to the municipality and is reasonably compact and does not create enclaves of unincorporated areas, and provided that all the owners of the property petition for such an annexation; and

WHEREAS, the owner(s) of the properties, as graphically depicted in the Exhibit attached and incorporated herein, Indian River Land Trust, Inc. (subject Annexation "A") and Marc Rose and Dorothy Strunk, Co-Trustees of the Gator Group Land Trust Agreement (subject Annexation "B"), have determined that annexing the properties into the City limits would be in their interest; and

WHEREAS, the City finds that the annexation of the properties satisfies the requirements of section 171.044 Florida Statutes and would be in the public interest; and

WHEREAS, the City Clerk has advertised at least once each week for two (2) consecutive weeks in a newspaper, as required by section 171.044 (2) Florida Statutes; and

WHEREAS, the City Clerk has provided notice to Indian River County of this annexation proceeding by certified mail at least ten (10) days before this ordinance was advertised per the requirements cited above, as required by section 171.044(6) Florida Statutes,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1. Adoption of "Whereas" clauses.

The foregoing "WHEREAS" clauses are hereby adopted herein.

Section 2. Adoption of Land Annexed.

The subject properties include Annexation "A" and "B" which consist of 42.36 acres more or less which are located at the northeast and southwest corners of Indian River Boulevard and 37st Street, and which are more particularly described in the Exhibit attached and incorporated herein.

Section 3. Redefine and Record Boundaries.

The City Engineer is authorized to prepare a redefinition of the boundary lines of the municipality for inclusion in the City Charter. A copy of such revision is to be filed with the Department of State within thirty (30) days of the adoption, with a copy to the Office of Economic and Demographic Research, as required by section 171.091 Florida Statutes.

Section 4. Copies to State and County.

The City Clerk is directed to file a copy of this annexing ordinance with the Clerk of the Circuit Court of Indian River County, the County Administrator of Indian River County, and the Department of the State of Florida within seven (7) days after its adoption, as required by section 171.044 (3) Florida Statutes.

Section 5. Ordinance Effective Date.

This ordinance shall become effective upon final adoption by the City Council.

This Ordinance was read for the first time on the 19th day of April, 2022 and was advertised on the 2nd day of April, 2022, and one week later on the 4th day of May, 2022 as being scheduled for a public hearing to be held on the 17th day of May, 2022, at the conclusion of which hearing it was moved for adoption by Councilmember McCabe, seconded by Councilmember Neville and adopted by the following vote:

| | |
|-----------------------------|---------------|
| Mayor Robert Brackett | <u>yes</u> |
| Vice-Mayor Rey Neville | <u>yes</u> |
| Councilmember Honey Minuse | <u>yes</u> |
| Councilmember Robert McCabe | <u>yes</u> |
| Councilmember John Cotugno | <u>absent</u> |

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
Tammy K. Bursick
City Clerk

Robert Brackett
Robert Brackett
Mayor

(SEAL)

ADMINISTRATIVE REVIEW
(For Internal Use Only-Sec.2-77 COVB Code)

Approved as to form and legal sufficiency:




John S. Turner
City Attorney

Approved as conforming to municipal
policy:




Monte K. Falls
City Manager

Approved as to technical requirements:

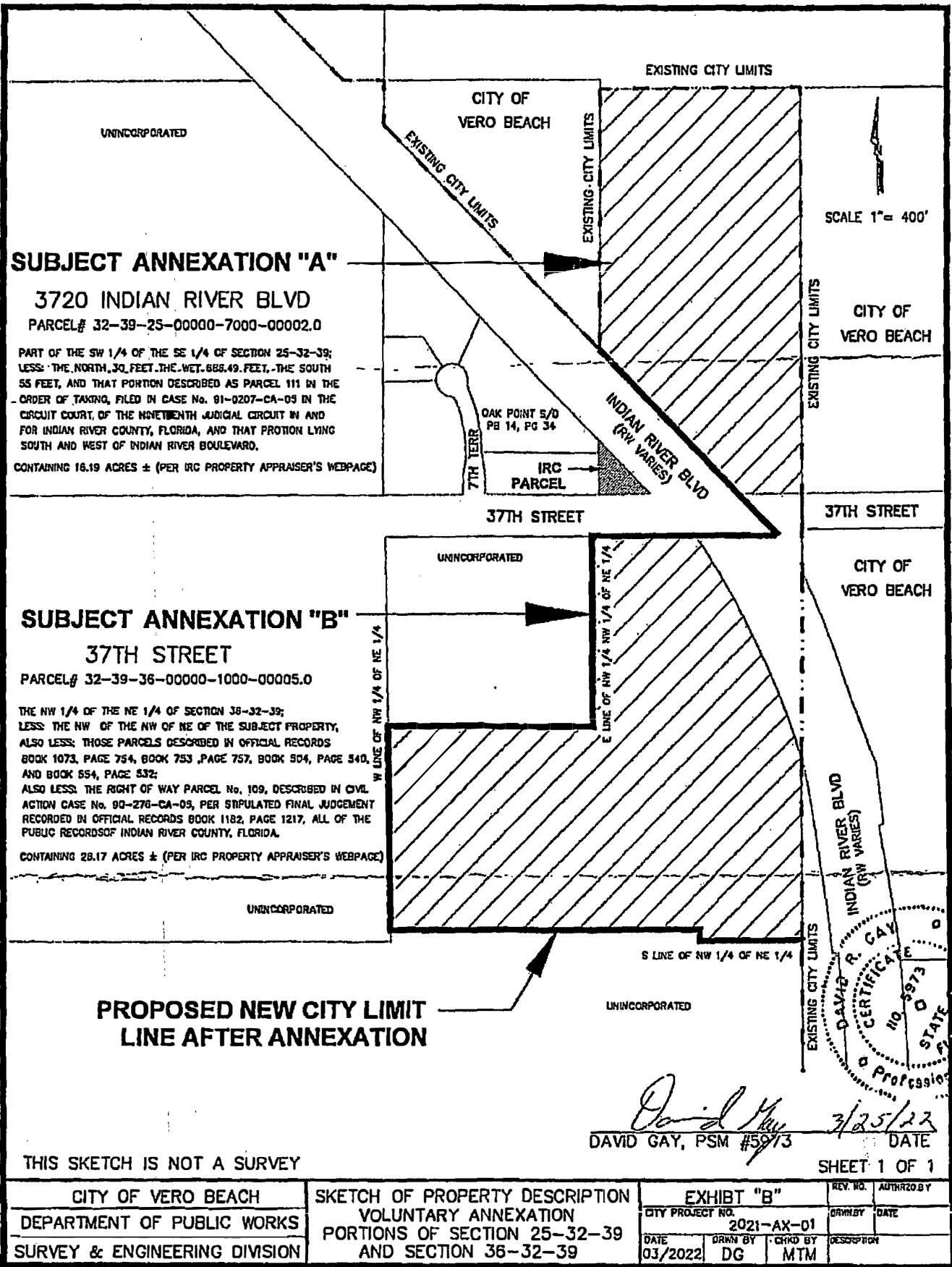


Jason H. Jeffries
Director, Planning and Development

Approved as to technical requirements:



Mathew Mitts
Director, Public Works



SUBJECT ANNEXATION "A"

3720 INDIAN RIVER BLVD
 PARCEL# 32-39-25-00000-7000-00002.0

PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 25-32-39;
 LESS: THE NORTH 30 FEET THE WET 688.49 FEET, THE SOUTH
 55 FEET, AND THAT PORTION DESCRIBED AS PARCEL 111 IN THE
 ORDER OF TAKING, FILED IN CASE No. 91-0207-CA-09 IN THE
 CIRCUIT COURT, OF THE NINETEENTH JUDICIAL CIRCUIT IN AND
 FOR INDIAN RIVER COUNTY, FLORIDA, AND THAT PORTION LYING
 SOUTH AND WEST OF INDIAN RIVER BOULEVARD.
 CONTAINING 18.19 ACRES ± (PER IRC PROPERTY APPRAISER'S WEBPAGE)

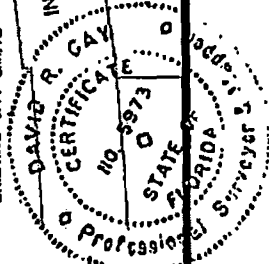
SUBJECT ANNEXATION "B"

37TH STREET
 PARCEL# 32-39-36-00000-1000-00005.0

THE NW 1/4 OF THE NE 1/4 OF SECTION 36-32-39;
 LESS: THE NW 1/4 OF THE NW 1/4 OF NE OF THE SUBJECT PROPERTY,
 ALSO LESS: THOSE PARCELS DESCRIBED IN OFFICIAL RECORDS
 BOOK 1073, PAGE 754, BOOK 753, PAGE 757, BOOK 504, PAGE 540,
 AND BOOK 554, PAGE 532;
 ALSO LESS: THE RIGHT OF WAY PARCEL No. 109, DESCRIBED IN CIVIL
 ACTION CASE No. 90-276-CA-09, PER STIPULATED FINAL JUDGEMENT
 RECORDED IN OFFICIAL RECORDS BOOK 1182, PAGE 1217, ALL OF THE
 PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.
 CONTAINING 28.17 ACRES ± (PER IRC PROPERTY APPRAISER'S WEBPAGE)

**PROPOSED NEW CITY LIMIT
 LINE AFTER ANNEXATION**

SCALE 1" = 400'



David Gay 3/25/22
 DAVID GAY, PSM #5973 DATE

THIS SKETCH IS NOT A SURVEY

SHEET 1 OF 1

| | | | | | |
|---|--|-----------------------------|------------|-------------|-------------|
| CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY & ENGINEERING DIVISION | SKETCH OF PROPERTY DESCRIPTION VOLUNTARY ANNEXATION PORTIONS OF SECTION 25-32-39 AND SECTION 36-32-39 | EXHIBIT "B" | | REV. NO. | AUTHOR BY |
| | | CITY PROJECT NO. 2021-AX-01 | | DRWN BY | DATE |
| | | DATE 03/2022 | DRWN BY DG | CHKD BY MTM | DESCRIPTION |