

ORDINANCE NO. 813

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY, PARCEL ID NOS. R26 122 19 0140 0010 0080; R26 122 19 0140 0030 0010; and R26 122 19 0140 0020 0010, A PORTION OF THE BROOKSVILLE CEMETERY, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville owns five individual parcels of land which are contiguous to one another and which are collectively and more commonly known as the "Brooksville Cemetery"; and,

WHEREAS, the City operates, manages and maintains the Brooksville Cemetery and desires to annex the Brooksville Cemetery into the City of Brooksville; and,

WHEREAS, the City of Brooksville owns a parcel of real property (the "Property") in the Brooksville Cemetery which is located in an unincorporated area of Hernando County, and is contiguous to the corporate limits of the City of Brooksville, Florida (the "City"), and which is reasonably compact, and the City desires to annex that certain Property into the City of Brooksville, Florida; and,

WHEREAS, the Property, which is more particularly described by the legal descriptions herein, can be succinctly identified as Parcel ID Nos. R26 122 19 0140 0010 0080; R26 122 19 0140 0300 0010; and R26 122 19 0140 0020 0010 and,

WHEREAS, a petition has been filed pursuant to Chapter 171, Florida Statutes, particularly Section 171.044, to request the integration, annexation, and incorporation of that certain Property into the City; and,

WHEREAS, said petition and supporting documentation has been reviewed to satisfy each and every requirement of Section 171.044, Florida Statutes, and, the area to be annexed meets the criteria in Chapter 171, Florida Statutes; and,

WHEREAS, the City has determined its service delivery systems can accommodate the annexation of that certain Property without adversely impacting other property within the City or the residents of the City; and,

WHEREAS, this Ordinance to voluntarily annex the said Property, and to redefine the boundary lines of the City to include said Property, has been adopted after notice of the annexation being published and after being heard at a public hearing at which time any and all parties in interest and all others had an opportunity to be heard in a quasi-judicial proceeding; and,

WHEREAS, the City Planning and Zoning Commission recommended at its July 14, 2010 meeting that the City Council annex the referenced Property; and,

WHEREAS, the City Council of the City of Brooksville, Florida has reviewed the petition to annex certain Property into the City and hereby declares same to be sufficient under the terms and requirements of the City of Brooksville Charter, the City of Brooksville Code of Ordinances and Chapter 171, Florida Statutes.

NOW THEREFORE, be it ordained by the City Council of the City of Brooksville, Florida, as follows:

SECTION 1. INCORPORATION OF RECITALS. The above recitals are incorporated herein and made a part hereof.

SECTION 2. PURPOSE. The purpose of this Ordinance is to voluntarily annex Property owned by the City into the City of Brooksville, Florida, pursuant to the Petition for Voluntary Annexation submitted by the petitioner and owner of said Property, the City of Brooksville, as authorized by section 171.044, Florida Statutes.

SECTION 3. AUTHORITY. The City Council is authorized to take this action pursuant to Section 1.02 of the City Charter of the City of Brooksville, as well as Section 171.044, Florida Statutes.

SECTION 4. SUFFICIENCY OF PETITION. That the City accepted and deemed sufficient the petition for the Property located in Hernando County, Florida, more specifically described herein, to voluntarily annex the Property into the corporate limits of the City.

SECTION 5. LEGAL DESCRIPTION OF ANNEXED AREA. That certain Property, as is depicted on Exhibit "A" which is attached hereto and incorporated herein by reference, and is more particularly described in this section, is hereby voluntarily annexed into the corporate limits of the City of Brooksville, Florida.

SECTION 6. CONDITIONS OR LIMITATIONS OF ANNEXATIONS. The Property described herein is annexed subject to the following condition(s): Annexation shall include the integration of all of the public right-of-way lying directly adjacent to the annexed Property.

SECTION 7. BOUNDARY MODIFICATIONS. All City of Brooksville boundary maps, charter and ordinance provisions pertaining to boundaries, codes and regulations shall be automatically hereby amended so as to conform to the boundary revision described herein. The boundary lines of the City shall thereupon automatically be redefined as to include supplementary the land described and incorporated into this ordinance.

SECTION 8. PUBLICATION. That prior to final reading and passage of this ordinance, appropriate notice was published once a week for two (2) consecutive weeks in a newspaper of general circulation within the City and that a copy of said notice was provided by certified mail to the chief administrative officer of Hernando County, Florida.

SECTION 9. OFFICIAL FILING OF ORDINANCE. That within seven (7) days after adoption, a certified copy of this Ordinance shall be forwarded and filed with the Clerk of the Circuit Court of Hernando County, Florida, and served upon the Chairman of the Board of County Commissioners of Hernando County, Florida; the Property Appraiser of Hernando County, Florida and the Department of State, Secretary of State, State of Florida; and such other entities which require notice of annexations.

SECTION 10. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of

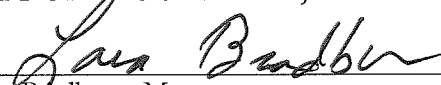
competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. CONFLICTS AND REPEALER. This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 12. AMENDMENT TO THE CODE. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 10, 11, and 12, shall not be codified.

SECTION 13. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

Attest: 
Janice Peters, CMC, City Clerk

CITY OF BROOKSVILLE, FLORIDA
By: 
Lara Bradburn, Mayor

NOTICE to the County Administrator of the Hernando County Board of County Commissioners was sent via certified mail on the 17th day of September, 2010.

NOTICE was mailed to affected parties (if any) via United States Certified Mail on the 21st day of September, 2010.

PASSED on First Reading August 16, 2010
NOTICE Published on September 10 & 17, 2010
PASSED on Second & Final Reading September 20, 2010

Approved as to form for the reliance of the City of Brooksville only:

VOTE OF COUNCIL:
Bernardini Aye
Bradburn Aye
Burnett Aye
Johnston Aye
Lewis Absent

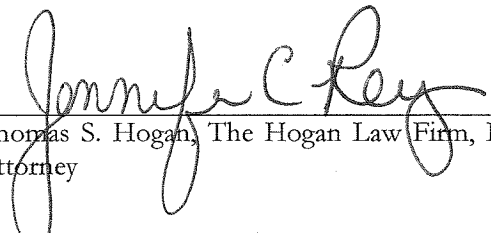

Thomas S. Hogan, The Hogan Law Firm, LLC, City Attorney

EXHIBIT "A"
Legal Description

PARCEL 3 - PARCEL ID NO. R26 122 19 0140 0010 0080

Lots 8 and 9, and the North 100.00 feet of Lot 10, Block 1 of CHICOCHATTA PARK, UNIT NO. 2, as per plat thereof recorded in plat book 6, page 50, public records of Hernando County, Florida; (Parcel Key Number: 00011873)

AND

PARCEL 4 - PARCEL ID NO. R26 122 19 0140 0020 0010

Lots 1 through 8, Block 2 of CHICOCHATTA PARK, UNIT NO 2, as per plat thereof recorded in plat book 6, page 50, public records of Hernando County, Florida; (Parcel Key Number 00011891)

AND

PARCEL 5 - PARCEL ID NO. R26 122 19 0140 0030 0010

Lots 1 through 8, Block 3 of CHICOCHATTA PARK, UNIT NO. 2, as per plat thereof recorded in plat book 6, page 50, public records of Hernando County, Florida; (Parcel Key Number 00011908)

SUBJECT TO Restrictions, easements and right of way permits of record.

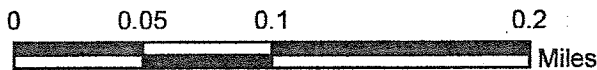
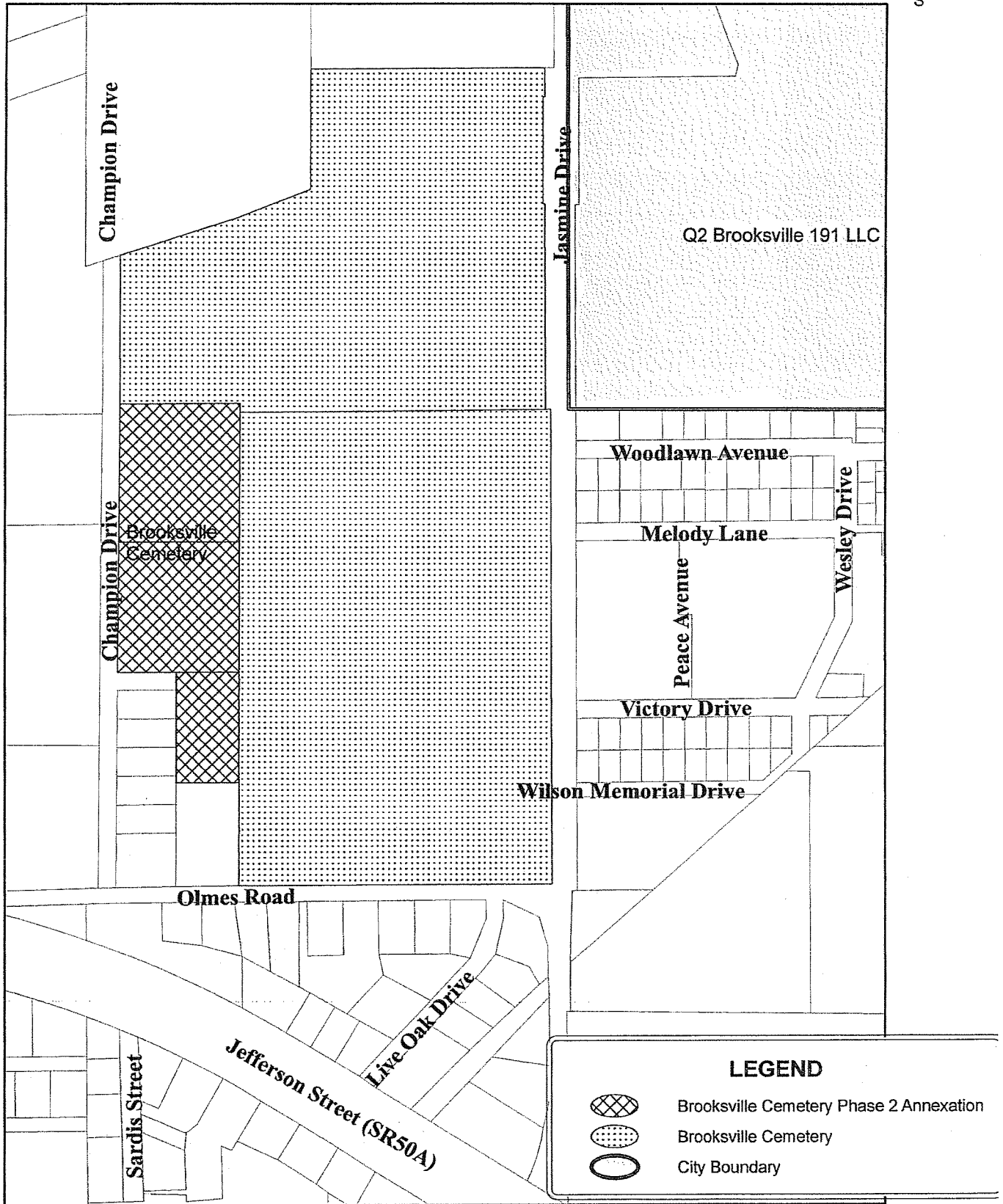
AND

The following road rights-of-way located and situate in CHICOCHATTA PARK, Unit No. 2, as per plat book 6, page 50, public records of Hernando County, Florida, described more particularly as follows, to-wit:

All that portion of Paul Street and Park Street lying east of the easterly right of way line of Champion Drive and all that portion of Pearl Street lying east of the northwest corner of Lot 8, Block 1, Unit No. 2, Chicochatta Park subdivision. Recorded in OR Book 322, page 485, Public Records of Hernando County, Florida.



Brooksville Cemetery Annexation
 Petition - July 2010
 Ord. No. 813 - EXHIBIT "A"



*Base map information provided by the Hernando County Property Appraiser's office.

Map created by the Brooksville Community Development Department
 Disclaimer: This map is intended for planning purposes only, and should not be used to determine the precise location of any feature shown thereon.