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BOARD RECORDS

516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
E-mail: chgeneral@palmettofl.org
Web: www.palmettofl.org

CITY OF PALMETTO NOTICE OF ANNEXATION

Pursuant to Chapter 171 *Florida Statutes*, Ordinance No. 2011-29 which annexes the property described on the attached Exhibit A into the city limits of the City of Palmetto, Florida, is hereby filed with your office:

Property owner: WASTE SERVICES OF FLORIDA, INC.
Street Address: 1615 & 1619 OAKWOOD AVE.
PALMETTO, FL 34221

A copy of Ordinance No. 2011-29 is attached for your files.

Please contact Diane Ponder if further information is necessary.

November 9, 2011

ACCEPTED IN OPEN SESSION

NOV 21 2011

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 2011-29**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.26 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 4 AND 5, BLOCK 3, PAL-ELL PARK (PLAT BOOK 8, PAGE 123); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-05 Applicant: Waste Services of Florida, Inc.)

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, Section 171.044, Florida Statutes, provides for the voluntary annexation of reasonably compact, contiguous real property to a municipality; and

WHEREAS, the property described in **Exhibit A**, attached hereto and incorporated herein (the “Property”), is reasonably compact and contiguous to the City of Palmetto; and

WHEREAS, the Property is owned by Waste Services of Florida, Inc. (“Applicant”); and

WHEREAS, Applicant has filed a petition with the City requesting that the Property be annexed into the City of Palmetto, and the City Commission has determined that the petition bears the signatures of all of the owners of the Property; and

WHEREAS, notice of said annexation, a copy of which is attached hereto and

incorporated herein as **Exhibit B**, has been sent to the Board of County Commissioners for Manatee County and published as required and provided under Section 171.044, Florida Statutes; and

WHEREAS, annexation of the Property does not result in the creation of any enclaves; and

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City of Palmetto to adopt this Ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. **Findings of Fact.** The above “whereas” clause are adopted herein as findings of fact.

Section 2. **Annexation of Land.** The Property, as legally described in **Exhibit A**, and as generally depicted on the sketch attached hereto as **Exhibit C**, is hereby annexed into and incorporated within the City of Palmetto as fully and effectually as if the same were included within the boundary of the City of Palmetto, as set forth in its Charter.

Section 3. **Amendment of City Boundaries.** The legal description of the City of Palmetto, Florida, kept on file in the City Clerk’s office, is hereby amended to reflect this annexation. The City Clerk is hereby directed to undertake measures necessary to affect such amendment consistent herewith, and to make the filings required under Section 171.044, Florida Statutes.

Section 4. **Repeal of Ordinance.** This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 5. **Severability.** It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 6. **Effective Date.** This Ordinance shall take effect as provided for by law and by City Charter, Section 14 upon execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 7th day of November, 2011.

First Reading:	October 3, 2011
Publication:	October 24, 2011 And October 31, 2011
Second Reading and Public Hearing:	November 7, 2011

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

By: Shirley Groover Bryant
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman
City Clerk

By: James R. Freeman
City Clerk/Deputy Clerk

Ordinance No. 2011-29

EXHIBIT A

Lots 4 and 5, Block 3, PAL-ELL-PARK, a Subdivision, as per plat thereof recorded in Plat Book 8, page 123, Public Records of Manatee County, Florida

BRADENTON HERALD

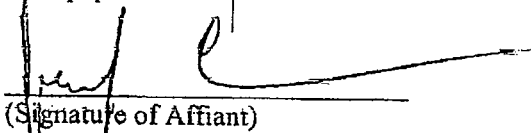
WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
941-745-7065

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

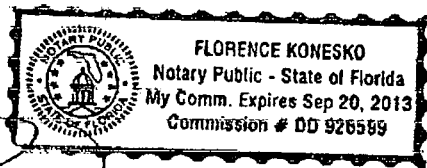
STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Jennifer Chalupa, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of City of Palmetto Notice of Public Hearing to Consider Annexation, Small Scale Comprehensive Plan Amendment, was published in said newspaper in the issue of 10/24/2011 & 10/31/2011.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
2 Day of Nov, 2011



SEAL & Notary Public

Personally Known _____ OR Produced Identification _____

**CITY OF PALMETTO
 NOTICE OF PUBLIC HEARING
 TO CONSIDER
 ANNEXATION, SMALL SCALE
 COMPREHENSIVE PLAN
 AMENDMENT,
 AND REZONING APPROVAL**

The City Commission for the City of Palmetto will consider adoption of the following ordinances:

ORDINANCE NO. 2011-29

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.26 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 4 AND 5, BLOCK 3, PAL-ELL PARK (PLAT BOOK 8, PAGE 123); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-05 Applicant: Waste Services of Florida, Inc.)

ORDINANCE NO. 2011-30

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO, FROM INDUSTRIAL-HEAVY (IH) (County) to HEAVY COMMERCIAL INDUSTRIAL (HCOMI) (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-2011-05 Applicant: Waste Services of Florida, Inc.)

ORDINANCE NO. 2011-31

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVENUE, PALMETTO, FROM HEAVY MANUFACTURING (HM) (County) to COMMERCIAL HEAVY-INDUSTRIAL (CHI) (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-05 Applicant: Waste Services of Florida, Inc.)

The City Commission will hold a public hearing November 7, 2011 at 7:00 PM or as soon thereafter as the issue may be heard, at City Hall, 516 8th Ave. W., Palmetto, FL, to consider the above-described ordinances. The ordinances and legal descriptions may be obtained from the office of the City Clerk. The public hearing may be continued until final action is taken. All interested persons are invited to appear and be heard. Written comments filed at City Hall will be entered into the record of the hearing.

If any person desires to appeal any decision of the City Commission or any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped Individuals may receive special accommodation in services on 48 hours' notice (Fla. Stat. 286.26). Anyone requiring reasonable accommodation for this meeting, as provided for in the American with Disabilities Act, should contact the City Clerk at 941-723-4570, FAX 941-723-4578 or email lrceman@palmettofl.org or lbonds@palmettofl.org.

Contact City Planner Lorraine Lyn at 723-4580 or email lln@palmettofl.org for information regarding the proposed ordinances.

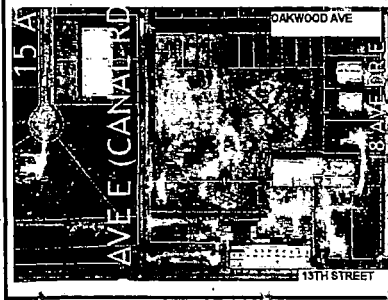


EXHIBIT C

ANNEXATION OF
1615 & 1619 OAKWOOD AVENUE
INTO THE CITY OF PALMETTO
ZONING BASE MAP

