

ORDINANCE 2017-01

AN ORDINANCE OF THE TOWN OF HILLIARD, FLORIDA, A MUNICIPAL CORPORATION, ANNEXING INTO THE CORPORATE LIMITS A PARCEL OF REAL PROPERTY CONTAINING APPROXIMATELY 43.75 ACRES DESCRIBED WITH PARTICULARITY HEREIN; FINDING SAID ANNEXATION TO BE CONSISTENT WITH THE TOWN OF HILLIARD'S COMPREHENSIVE PLAN AND THE TOWN'S CODE; AMENDING SECTION 2.03 OF THE CHARTER OF THE TOWN OF HILLIARD TO INCLUDE SAID LAND; PROVIDING FOR AND AUTHORIZING THE UPDATING THE OFFICIAL TOWN MAPS; REPEALING CONFLICTING ORDINANCES; PROVIDING DIRECTION TO THE TOWN CLERK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 171.044, Florida Statutes, provides a procedure for voluntary annexation; and

WHEREAS, the Town Council of the Town of Hilliard has the authority to annex real property and expand the boundaries of the Town limits by virtue of Sections 3.01 and 4.01 of the Town Charter; and

WHEREAS, the Town of Hilliard owns a certain Parcel of property consisting of approximately 43.75 acres, that Parcel being particularly described as:

The South ½ of the North ½ of the Northeast 1/4 of the Northwest 1/4 of Section 20, Township 3 North, Range 24 East, also known as Lots 29, 30, 31 and 32, as recorded in Plat Book "0," page 31, of the Public Records of Nassau County, Florida;

WHEREAS, the Town acquired the Parcel incident to the Town of Hilliard Fire Department's status as beneficiary of the Estate of Myrtle Mikkelsen, which acquisition was made for municipal purposes and with the intention of annexing the Parcel into the Town limits; fee simple title passed to the Town by virtue of the Personal Representative's Deed by Peter Corbin (Nassau County OR Book 2067, page 694) and the Personal Representative's Deed by Linda Barousse (Nassau County OR Book 2067, page 696); and

WHEREAS, the Town Council has determined that this annexation is in compliance with the requirements of Section 171.044, Florida Statutes, pertaining to voluntary annexations, in that:

- A. The Parcel is located in an unincorporated area of Nassau County, is contiguous to the Town of Hilliard, is reasonably compact, is not included in the boundary of another municipality, and its annexation will not create an enclave; and
- B. The Town is the sole owner of the Parcel, and therefore there are no other property owners within the area to be annexed who would be required to sign a petition as a prerequisite to annexation;
- C. That this ordinance shall be published in the Nassau County Record for two (2) consecutive weeks, and that proof of publication of this ordinance be filed herein prior to the final reading of this ordinance;
- D. That upon the filing of the proof of publication and final adoption of this ordinance, a copy of the same shall be filed with the Clerk of Court for Nassau County, Florida, and a copy be forwarded to the Department of State, Tallahassee, Florida;

WHEREAS, the Town Council of the Town of Hilliard finds that annexation of the Parcel is in the best interest of the Town; and

WHEREAS, the Town Council, pursuant to the provisions of Section 171.044, Florida Statutes, desires to annex the Parcel and to redefine the boundary lines of the Town of Hilliard to include such property;

NOW THEREFORE, THE TOWN OF HILLIARD, FLORIDA, HEREBY ORDAINS AS FOLLOWS:

Section 1. That the foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That the Town Council finds the annexation to be consistent with the Town's Comprehensive Plan and Town Code.

Section 3. That the Parcel or real property described herein be annexed to the Town of Hilliard, and that all conflicting ordinances or parts of ordinances, all conflicting Town Code sections or parts of sections, and all conflicting resolutions or parts of resolutions be repealed to the extent of such conflict.

Section 4. That the corporate boundaries of the Town of Hilliard, Florida, are hereby extended, enlarged and redefined to include the real property depicted in the survey marked Exhibit A, which is attached hereto and made a part hereof.

Section 5. That the current land use and zoning remain unchanged by this Ordinance, until such time as the Town of Hilliard adopts a comprehensive plan that includes the annexed Parcel.

Section 6. That upon adoption of this ordinance, the Town Clerk make such amendments to the official boundary map of the Town of Hilliard to include the Parcel, and that such amendments become and be made a part of the Charter of the Town of Hilliard in accordance with Section 2.03 of the Charter.

Section 7. That this Ordinance shall be effective immediately upon adoption; at such time, the Parcel shall become a part of the Town of Hilliard, to be governed by the Town and subject to the Town's laws and regulations.

Section 8. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the Town of Hilliard, Florida.

Section 9. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judicial declaration shall not affect the validity of the ordinance as a whole, or any part of it, other than the part to be declared invalid.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seal the 6th day of April, 2017.

Signed, sealed and delivered in the presence of:

TOWN OF HILLIARD, FL

By:

John P. Beasley
Council President

Attest:

Lisa Purvis
Town Clerk

Approved:

Cris W. McConnell
Mayor

Approved as to legal form:

Sherri L. Renner
Town Attorney

Date of Town Council First Reading:	February 16, 2017
Date Certified Mailed to County Commission:	February 17, 2017
Dates of Town Council 1 st Publication:	March 2, 2017
Date of Town Council 2 nd Publication:	March 9, 2017
Dates of Town Council 1 st Public Hearing:	March 16, 2017
Date of Town Council 2 nd Public Hearing:	April 6, 2017
Date of Town Council Vote & Adoption:	April 6, 2017
Date Filed with Clerk of Court & County Manager:	April 10, 2017
Date Mailed to Department of State:	April 10, 2017