

## ORDINANCE 1238-A

**AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; MAKING FINDINGS; INCLUDING WITHIN THE CORPORATE LIMITS OF THE CITY OF POLK CITY, FLORIDA, CERTAIN REAL PROPERTY LOCATED ON SMITH ROAD (JOSHUA LAND, L.L.C. PROPERTY) WHICH IS LOCATED IN SECTION 28, TOWNSHIP 26 SOUTH, RANGE 25 EAST, AND SECTION 33, TOWNSHIP 26 SOUTH AND RANGE 25 EAST, CONSISTING OF FIVE PARCELS; AND CERTAIN REAL PROPERTY LOCATED ON SMITH ROAD (C.C. CALHOUN, INC. PROPERTY) WHICH IS LOCATED IN SECTION 33, TOWNSHIP 26 SOUTH, RANGE 25 EAST CONSISTING OF A TOTAL OF SEVEN PARCELS; AND THE ADJACENT RIGHTS-OF-WAYS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Joshua Land, LLC and C. C. Calhoun, Inc. as owners of the real property described in Section 1 of this Ordinance and which is carried in Section 28, Township 26 South, Range 25 East; Section 33, Township 26 South Range 25 East, Polk County, Florida, have filed a Petition with the City Council of the City of Polk City, pursuant to Florida Statute 171.044, requesting the City of Polk City voluntarily annex the property within the corporate limits of the City; and

**WHEREAS**, the present Future Land Use Classification of the property in the Polk County Land Use Plan is ARR and the owners are requesting Residential Medium (RM) to 63.29 acres; Residential Medium/Wetlands to 65.58 acres with a density limitation of 861 dwelling units on the 128.87 acres; and Public Uses (PU) to 44.82 acres; and

**WHEREAS**, the City Council hereby finds that said property is reasonably compact in size and is contiguous to the City of Polk City; and

**WHEREAS**, the City Council of Polk City has deemed it advisable and in the best interest of the City that said property be annexed.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF POLK CITY, FLORIDA:**

### **SECTION 1 – DESCRIPTION**

There is hereby annexed into the City of Polk City, Florida, the real property which is found to be reasonably compact and contiguous to the City of Polk City, Florida, and which are more fully described in “Schedule A” and “Schedule B”, attached hereto.

**SECTION 2 – REVISION OF CORPORATE LIMITS**

From and after the final adoption of this Ordinance, the corporate limits of the City of Polk City are hereby revised to include the property described in Section 1 of this Ordinance.

**SECTION 3 –REPEAL OF ORDINANCES IN CONFLICT**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4 – VALIDITY**

If any word, sentence, clause, phrase or provision of this ordinance, for any reason is held to be unconstitutional, void, or invalid, the validity of the remainder of the ordinance shall not be affected thereby.

**SECTION 5 –EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage.

**PASSED** on first reading this 18th day of March, 2008

**PASSED AND CERTIFIED AS TO PASSAGE** on the second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**City Council of the City of Polk City**

\_\_\_\_\_  
Donald L. Penton, Mayor

**ATTEST**

\_\_\_\_\_  
Sylvia Sims, City Clerk

**APPROVED AS TO CONTENT AND FORM**

\_\_\_\_\_  
Jeffrey Sullivan, City Attorney

## SCHEDULE A

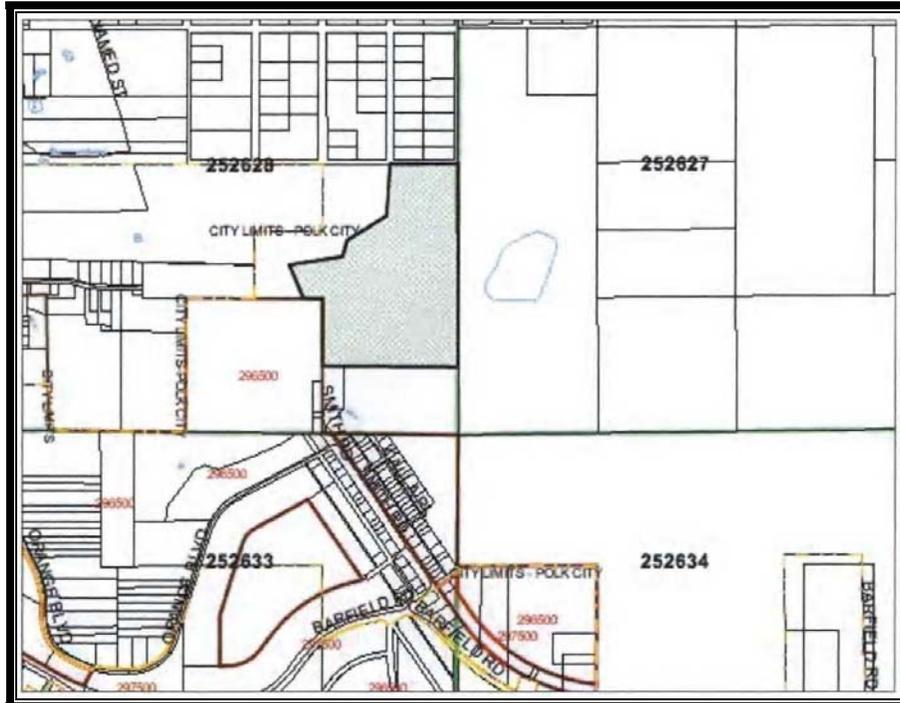
### Parcel 5: 252628-000000-021010

Tract No.3:

Begin at the Northeast corner of the Northeast ¼ of the Southeast ¼ of Section 28, Township 26 South, Range 25 East, thence North 89° 59' West along the North line of said Northeast ¼ of Southeast ¼ 659.75 feet to the Northwest corner of the Northeast ¼ of the Northeast ¼ of the Southeast ¼ of said Section 28, thence South 4° 01' West, 505 feet, thence South 58° 01' West, 460 feet thence South 16° 01' West, 165 feet, thence South 81° 01' West 525 feet, thence South 22°50= East 359.45 feet to the South line of the North ½ of the Southeast ¼ of said Section 28, thence South 89°59' East along said line 1510 feet to the Southeast corner of the Northeast ¼ of the Southeast ¼, thence North along the East line of said Section 28, 1318.96 feet to the Point of Beginning, all lying in Polk County, Florida.

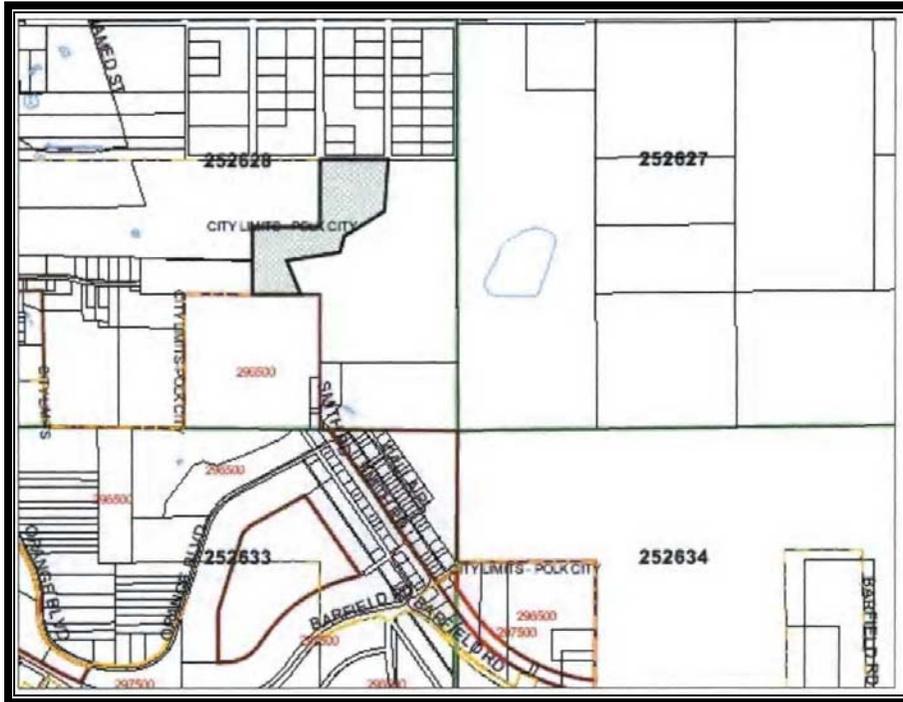
And:

The North ½ of the Southeast ¼ of the Southeast ¼ of Section 28, Township 26 South, Range 25 East, Polk County, Florida.



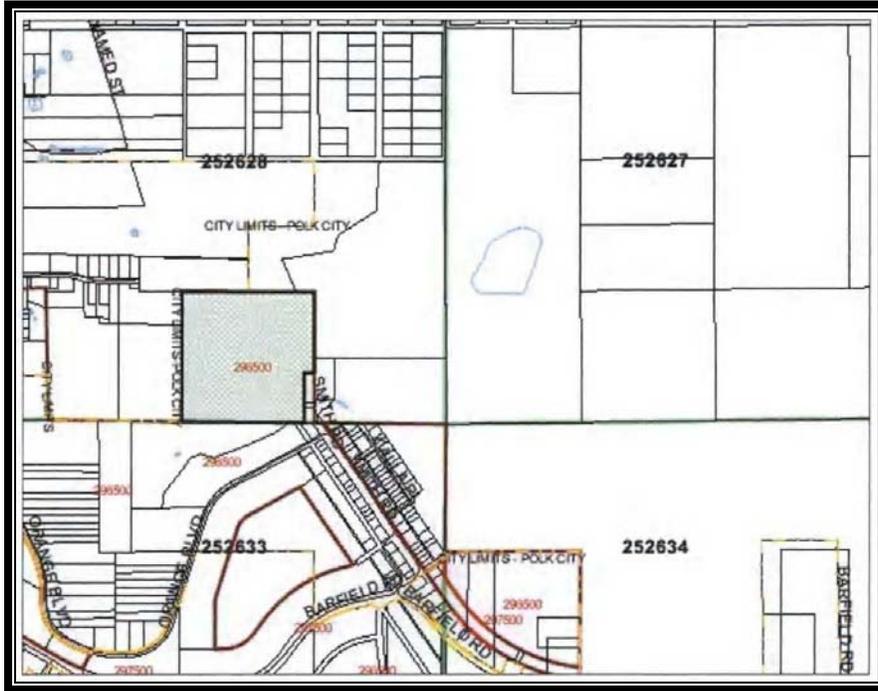
**Parcel 6: 252628-000000-021020**

The Northeast ¼ of the Southeast ¼ and the Southeast ¼ of the Northwest ¼ of the Southeast ¼ Less and Except: Beginning at the Northeast corner of the Northeast ¼ of the Southeast ¼, run North 89°59' West 659.75 feet to the Northwest corner of the Northeast ¼ of the Northeast ¼ of the Southeast ¼; thence South 4°01' West 505.0 feet; thence South 58°01' West 460.0 feet; thence South 16°01' West 165.0 feet; thence South 81°01' = West 525.0 feet; thence South 22°50' East 359.45 feet; thence South 89°59' East 1510.0 feet to the Southeast corner of the Northeast ¼ of the Southeast ¼; thence North to the Point of Beginning, all being in Section 28, Township 26 South, Range 25 East, Polk County, Florida.



**Parcel 7: 252633-296500-004010**

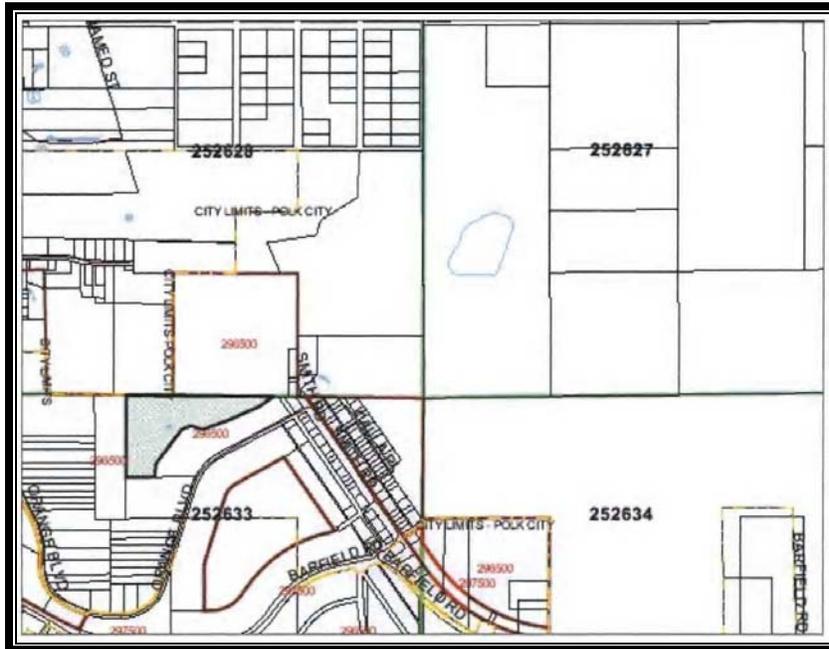
All of Block 4 of the Amended Map for Polk City, as recorded in Plat Book 24, at Pages 1 and 1-A, Public Records of Polk County, Florida, LESS the South 500 feet of the East 100 feet thereof. All being in Section 28, Township 26 South, Range 25 East, Polk County, Florida.



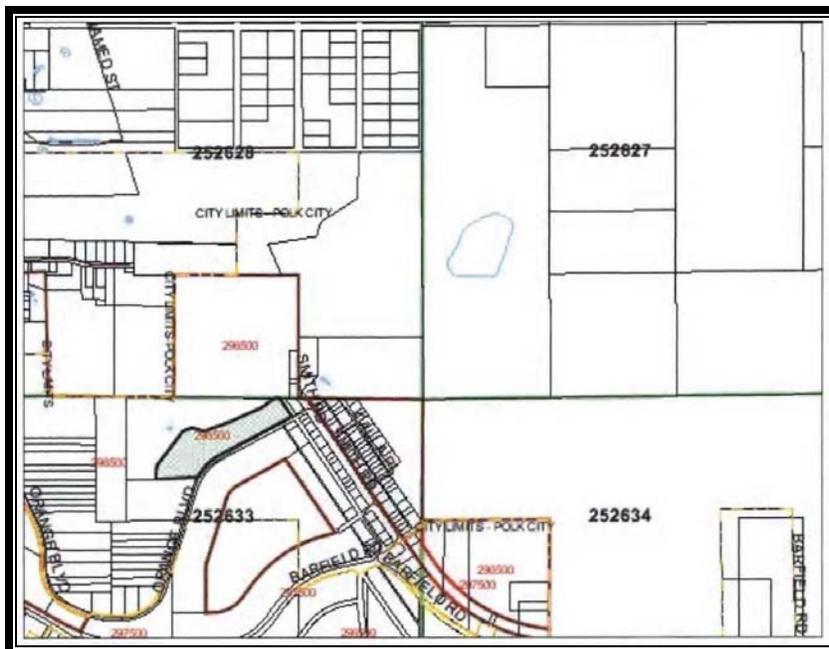
**Parcel 8: 252633-296500-020010 and Parcel 9: 252633-296500-020020**

Combined Description: All of Blocks 20 and 41 of the Amended Map of Polk City, as recorded in Plat Book 24, at Pages 1 and 1-A, Public Records of Polk County, Florida.

*Map of Parcel 8.*



*Map of Parcel 9*

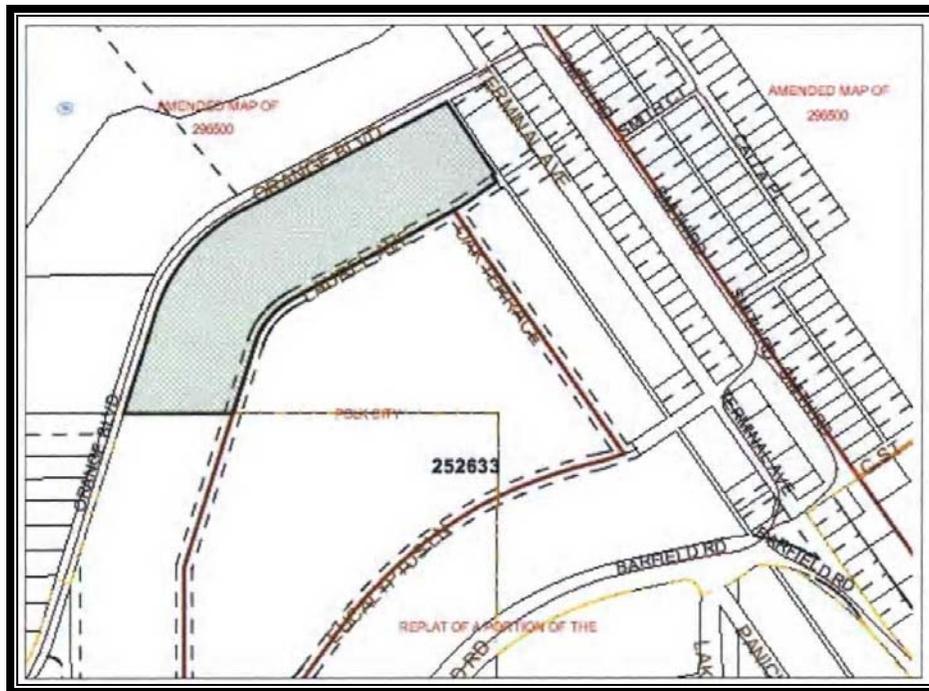


## SCHEDULE B

Legal Description for all Properties:

The NW 1/4 of the NE 1/4 lying South and East of Citrus Grove Boulevard, the NE1/4 of the NE 1/4 lying South and West of Terminal Avenue, and the SE1/4 of the NE1/4 lying Northerly of Broadway Avenue and Westerly of Terminal Avenue, all land lying within the Amended Map of Polk City, as recorded in Plat Book 29, Pages 41 and 41A, LESS AND EXCEPT Lots 1, 2 and 18 in Block 19, Lots 5 and 6 in Block 21 and Lots 1, 2 and 3 in Block 23 as shown on the plat of Polk City as recorded in Plat Book 24, Page 1, but being a part of the Amended Map of Polk City as recorded in Plat Book 29, Pages 41 and 41A. All of said land lying within Section 33, Township 26 South, Range 25 East, Polk County, Florida.

### Parcel 1: 252633-297500-021002

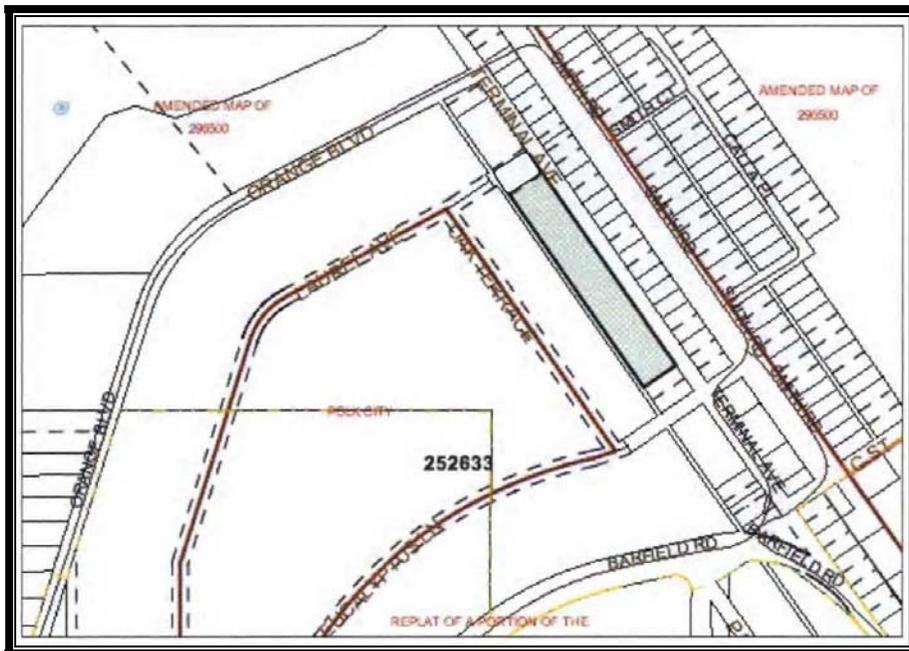


**Parcel 2: 252633-297500-021004**

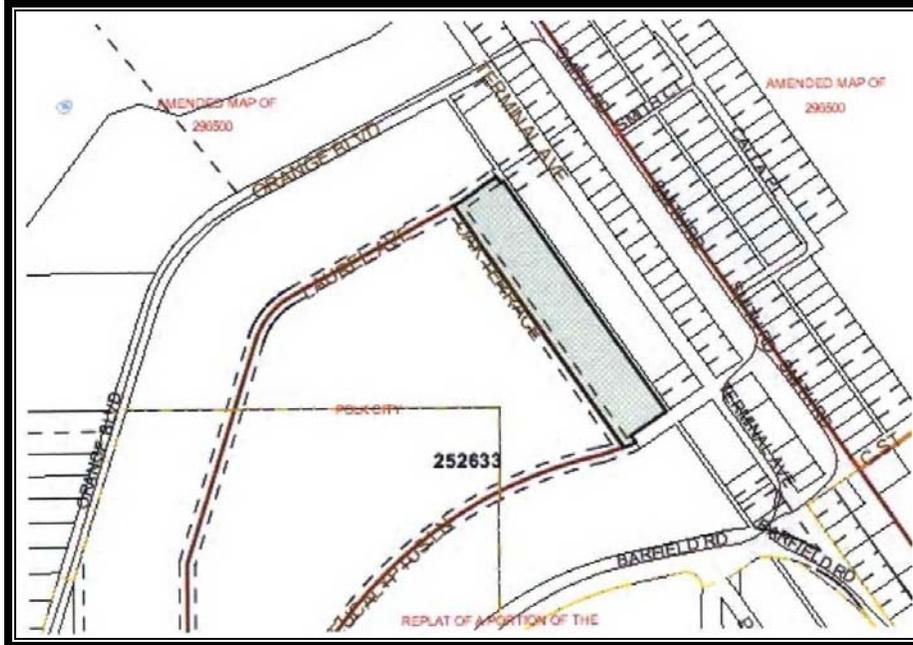


**Parcel 3: 252633-297500-019004**

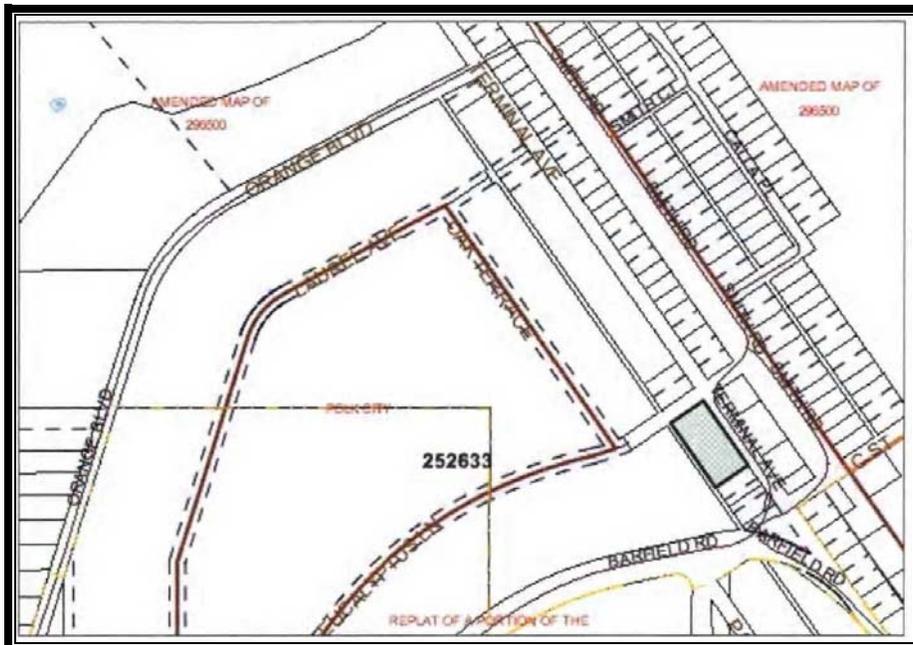
Note: The Polk County Property Appraiser's map includes Lot 18, which is not included in this agreement. This drawing has been altered to conform to the description in this agreement.



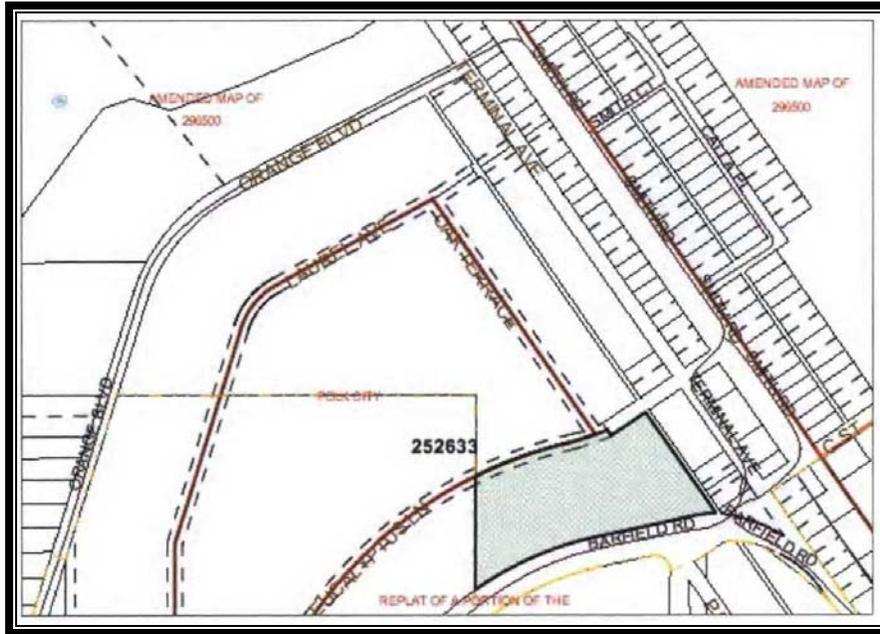
**Parcel 4: 252633-297500-019001**



**Parcel 5: 252633-297500-023004**



**Parcel 6: 252633-297500-023003**



**Parcel 7: 252633-296500-022010**

