

ORDINANCE 1264

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING CHAPTER 74, UTILITIES, ARTICLE IV, WATER, SECTION 74-201, PROVISION OF UTILITY SERVICES OUTSIDE MUNICIPAL LIMITS; PETITION TO ANNEX REQUIRED; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA THAT:

ARTICLE IV WATER

Section 74-201. Provision of utility services outside municipal limits; petition to annex required.

In the event that the City of Polk City provides utility service to a location outside the city limits, except for locations currently served by a city utility, a conditional prerequisite to the provision of such utility service(s) shall be that the owner of the property to be served by the utility properly execute at the time of application for the utility service, a non-revocable, recordable, petition to annex into the town at such time as the property is eligible for annexation under the laws of Florida. Such petition shall include a provision binding to property owner to pay, at the time of annexation, the prevailing fees charged by the town relating to annexation, including fees for the amendment of future land use and zoning maps. Such petition shall be recorded by the town clerk among the public records of Polk County and shall constitute public notice of the matter reflected therein. ~~Property owners of a location receiving town utility services as of the date of this ordinance are exempt from these provisions.~~ Nothing herein shall be construed as obligating the city to provide utility services outside city limits.

SEVERABILITY

If any subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

EFFECTIVE DATE

This ordinance shall take effect immediately upon passage.

INTRODUCED AND PASSED on First Reading the ____ day of _____, 2010.

City of Polk City

Joe LaCascia, Mayor

Attest:

Patricia R. Jackson, City Clerk

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of City of Polk City, Florida, this ____ day of _____, 2010.

City of Polk City

Joe LaCascia, Mayor

Attest with Seal:

Patricia R. Jackson, City Clerk

Approved as to Correctness and Form:

Jeff Sullivan, City Attorney

