

**CITY OF LABELLE
ORDINANCE 2016-03
GUTIERREZ ANNEXATION**

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, VOLUNTARILY ANNEXING CERTAIN LANDS LYING CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF LABELLE AS INITIATED BY THE OWNERS OF THE SUBJECT PROPERTY; REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE PROPERTY IN BOOTH SUBDIVISION, LOTS 1 TO 10 AND 23-26, AS RECORDED IN OFFICIAL RECORDS BOOK 520, PAGE 529 OF THE OFFICIAL RECORDS OF HENDRY COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, JAIME GUTIERREZ is the owner, "Owner," of the following described real property, "the property" located at 409 W. Cowboy Way, LaBelle, Florida and more particularly described as:

LOTS 1-10, INCLUSIVE, AND LOTS 23-26, INCLUSIVE, BOOTH'S SUBDIVISION, PLAT BOOK 1, PAGE 21, HENDRY COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 10.00 FEET OF LOTS 1-6, BOOTH'S SUBDIVISION, PLAT BOOK 1, PAGE 21, HENDRY COUNTY, FLORIDA; and,

WHEREAS, the property is located in an unincorporated area of Hendry County and is contiguous to the City of LaBelle, Florida's, "the City," geographical boundaries; and,

WHEREAS, the Owners desire the City to annex the property and redefine the boundary lines of the City to include the property pursuant to Section 171.044, F.S., as amended; and,

WHEREAS, the property, if annexed, will become part of the unified municipal corporate area of the City with respect to municipal services and benefits; and,

WHEREAS, in exercise of its authority, the City has determined: it necessary and desirable to incorporate the property; that this annexation is in conformity with the City's overall plans for extending the boundaries of the City; and, the annexation of the property is consistent with the public interest within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA, that:

1. The City Commission, after a first reading by title on March 10, 2016 and a duly advertised public hearing on May 12, 2016, hereby annexes into the corporate limits of the City the following described real property:

LOTS 1 TO 10 AND 23-26 OF BOOTHS SUBDIVISION, AS
RECORDED IN OFFICIAL RECORDS BOOK 520, PAGE 529 OF
THE OFFICIAL RECORDS OF HENDRY COUNTY, FLORIDA

2. The Hendry County Future Land Use Designation of “Residential High Density” shall be retained until an application for Comprehensive Plan Amendment is submitted and approved.
3. The Hendry County Zoning Designation of “Commercial (C-1)” shall be retained until the zoning is changed.
4. If any Court of competent jurisdiction shall determine any portion or provision of this ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the ordinance shall remain in full force and effect and given its ordinary meaning.
5. This ordinance shall be codified within The City of LaBelle Code.
6. This ordinance shall become effective upon the date of passage.
7. Any language within the City of LaBelle Code in conflict with the language or provisions contained herein is hereby declared null and void.
8. The City Commission hereby directs the Deputy Clerk to forward certified copies of this adopted ordinance within seven (7) days of the effective date hereof, to the Clerk of Circuit Court of Hendry County, the County Administrator for Hendry County, and the Department of State in compliance with F.S. 171.044(3), as amended.
9. In addition to the above notice, and as a public service, the City Commission hereby directs the Deputy Clerk to fax, email or hand deliver notification to the Hendry County Property Appraiser’s Office, Hendry County Tax Collector’s Office, Postmaster, Hendry County Sheriff’s Office, E911 Office, Hendry County Supervisor of Elections and Hendry County Planning Office.

PASSED AND ADOPTED in open session this 12th day May, 2016.

THE CITY OF LABELLE, FLORIDA

By: _____
David A Lyons, Mayor

Attest:

Thomas A. Smith, Clerk-Commissioner