

City of Palm Coast, Florida Agenda Item

Agenda Date: September 19, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	ORDINANCE 2023-XX VOLUNTARY ANNEXATION OF AN APPROXIMATELY 62.1 ACRE PARCEL GENERALLY LOCATED ON THE EAST SIDE OF OLD KINGS ROAD APPROXIMATELY 2.5 MILES SOUTH OF STATE ROAD 100	
Presenter: Jose Papa, AICP, Senior Planner		
Attachments:		
<ol style="list-style-type: none"> 1. Presentation 2. Ordinance 3. Location Map 4. Conceptual Plan 		
Background:		
<p><u>UPDATED BACKGROUND FROM THE SEPTEMBER 5, 2023, BUSINESS MEETING:</u> City Council heard the first reading of this item at their September 5, 2023, Business Meeting. A conceptual plan has been attached to this item since the first reading.</p> <p><u>ORIGINAL BACKGROUND FROM THE SEPTEMBER 5, 2023, BUSINESS MEETING:</u> Property Owner, Old Kings Village, has filed a petition to voluntarily annex real property into the City of Palm Coast municipal boundaries.</p> <p>The subject area is composed of three parcels and totals approximately 62.1 acres. The subject area is generally located on the east side of Old Kings Road approximately 2.5 miles south of State Road 100. The proposed annexation is being accomplished in accordance with Florida Statutes, Chapter 171, more specifically, Chapter 171.044, Voluntary annexation.</p> <p>Per Florida Statutes Chapter 171.044:</p> <p>(1) <i>The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.</i></p> <p style="text-align: center;">...</p> <p>(5) <i>Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.</i></p> <p>Based on a review of the petition, staff provides the following findings:</p> <ul style="list-style-type: none"> • The subject area is contiguous on its northern property line to the City of Palm Coast municipal boundary, and • The property is reasonably compact, and • Annexation of the property does not create an enclave (i.e., a parcel or area does not 		

become enclosed within the boundaries of the City of Palm Coast).

Recommended Action:

STAFF FINDS THAT THE PETITION FROM OLD KINGS VILLAGE TO ANNEX AN APPROXIMATELY 62.1 ACRE AREA MEETS THE CRITERIA ESTABLISHED IN FLORIDA STATUTES CHAPTER 171.044

ORDINANCE 2023-_____
ANNEXATION OF OLD KINGS VILLAGE APPLICATION NO. 5362

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF PALM COAST; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 62.11 ACRES OF PROPERTY DESCRIBED IN EXHIBIT “A” TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON AD VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a Petition for Annexation has been filed with the City of Palm Coast, Florida, which petition contains the name of the property owner of the area described in Exhibit “A,” and requests annexation into the incorporated area and City Limits of the City of Palm Coast, Florida; and

WHEREAS, the City’s staff has certified that the property owner has signed the petition for Annexation; and

WHEREAS, the City Council hereby finds that the property described hereinafter is reasonably compact and contiguous to the corporate areas of the City of Palm Coast, Florida, and it is further determined that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, the City of Palm Coast, Florida, is in a position to provide municipal services to the property described herein, and the City Council of the City of Palm Coast, Florida, deems it in the best interests of the City to accept said Petition for Annexation and to annex said property; and

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Palm Coast; and

WHEREAS, the provisions of this ordinance and the actions taken herein are consistent with the City’s Comprehensive Plan and State law; and

WHEREAS, public hearings were held pursuant to the requirements of State law and in conformity with the published notice described above at which hearings the parties in interest and all others had an opportunity to be, and were in fact, heard; and

WHEREAS, it is the City’s best interest to annex property which provides economic and other benefits to the City wherever possible.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

(a) The property that is the subject of this Ordinance and the Petition for Annexation is described in Section 2 of this Ordinance.

(b) The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast. The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

(c) The City Council of the City of Palm Coast adopts as legislative and administrative findings the fact that the land area described in Section 2 of this Ordinance (hereinafter referred to as the “Area”) is reasonably compact and contiguous to the present Corporate Limits of the City of Palm Coast, and that no part of the Area is within the boundary of another municipality or the County in any manner or configuration that would contravene the provisions of Florida law or be contrary to sound and generally accepted land use planning practices and principles. The City Council of the City of Palm Coast finds that the annexation of the Area does not create an enclave and that the Area otherwise fully meets the criteria established in Chapter 171, *Florida Statutes*.

(d) The City Council of the City of Palm Coast has applied the laws of the State of Florida, Chapter 171, *Florida Statutes*, as well as the case law analyzing, construing and applying said statutory provisions, and the legislative intent pertaining to said statutory provisions as set forth in legislative reports.

(e) The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section and that no other action of the City is required to fully implement an annexation of the Area as set forth herein.

SECTION 2. ANNEXATION OF PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS. The lands described in Exhibit “A” and shown on the map in Exhibit “B,” attached hereto, (“Area”) be and they are hereby annexed to and included within the corporate limits of the City of Palm Coast, Florida.

SECTION 3. RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES.

(a) Upon this Ordinance becoming effective, the property owner shall be entitled to all the rights and privileges and immunities as are from time to time granted to property owners of the City of Palm Coast, Florida, as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time to time be determined by the City Council of the City of Palm Coast, Florida, and the provisions of Chapter 171, *Florida Statutes*.

(b) Upon annexation, the Area shall retain the zoning classification established by the Land Development Code of Flagler County, the land development approvals granted by Flagler County, and a land use designation as assigned by the Flagler County Comprehensive Plan in accordance with the provisions of Section 171.062, *Florida Statutes*, until otherwise changed or amended by an appropriate ordinance or by a number of ordinances as may be enacted by the City Council of the City of Palm Coast, Florida.

SECTION 4. EFFECT ON AD VALOREM TAXES. All property lying within the boundaries of the Corporate/City Limits of the City of Palm Coast, Florida, as hereby revised, shall hereafter be assessed for payment of municipal ad valorem taxes pursuant to law.

SECTION 5. EFFECT ON BUSINESSES AND OCCUPATIONS. All persons who are lawfully engaged in any occupation, business, trade or profession, within the Area upon the

effective date of this Ordinance, under a valid license or permit issued by Flagler County, Florida, shall have the right to continue such occupation, business, trade or profession within the corporate limits of the City of Palm Coast, as revised, upon the securing of a valid business tax receipt from the City of Palm Coast, which receipt shall be issued upon payment of the appropriate fee there, without the necessity of taking or passing any additional examination or test relating to the qualifications of such licenses.

SECTION 6. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such constitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 7. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter.

APPROVED on first reading the 5th day of August 2023.

ADOPTED on second reading after due public notice and public hearing this 19th day of September 2023.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY:

NEYSA BORKERT, CITY ATTORNEY

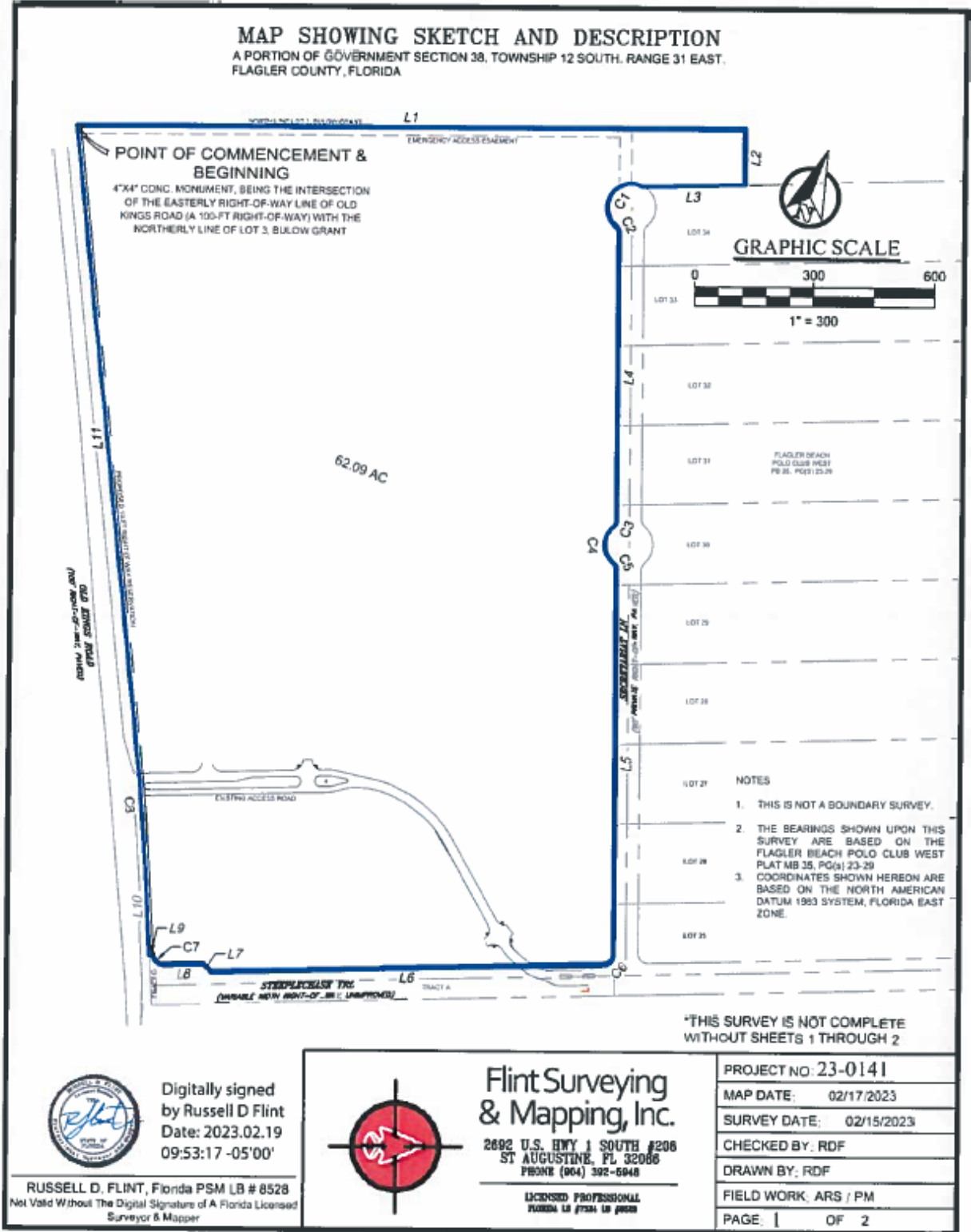
EXHIBIT "A"
LEGAL DESCRIPTION OF ANNEXATION AREA

DESCRIPTION BY SURVEYOR

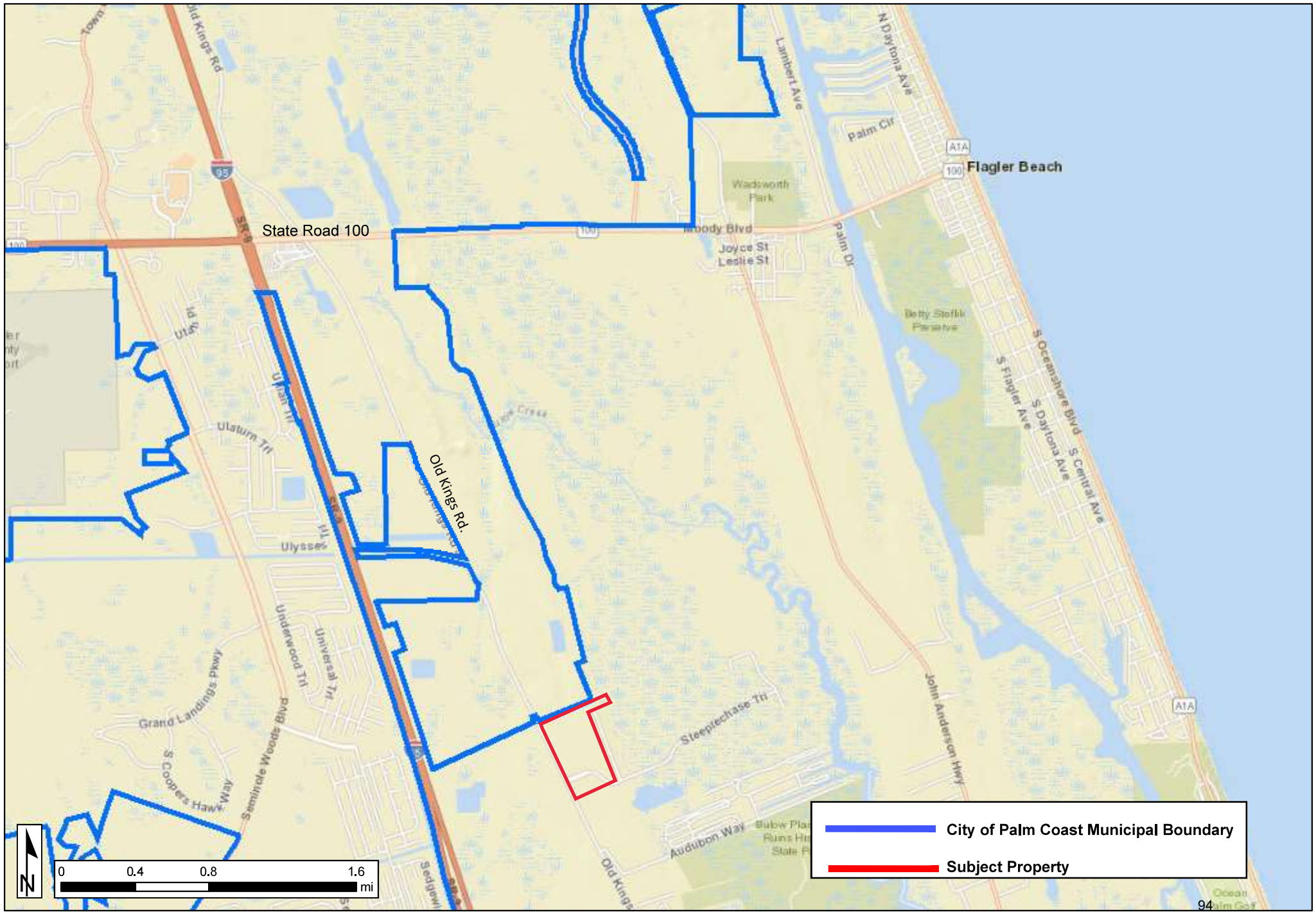
A PARCEL OF LAND BEING THE SAME PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2496 PAGE 811 THROUGH 814, OF THE PUBLIC RECORDS FLAGLER COUNTY, SAID PARCEL ALSO BEING SITUATED WITHIN SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A 4"X4" CONCRETE MONUMENT HAVING NO IDENTIFICATION, MARKING THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF OLD KINGS ROAD (A 100-FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED) WITH THE NORTHERLY LINE OF LOT 3, BULOW GRANT; THENCE, N 69° 19' 01" E ALONG SAID NORTHERLY LINE OF LOT 3 FOR A DISTANCE OF 1687.55 FEET TO A 5/8" IRON ROD AND CAP STAMPED "LB 6628" MARKING THE MOST NORTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AS PARCEL "A" IN OFFICIAL RECORDS BOOK 1741, PAGE 1565 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, THENCE, S 20° 41' 04" E FOR A DISTANCE OF 138.58 FEET ALONG THE WESTERLY LINE OF SAID PARCEL "A", MARKING THE INTERSECTION OF SAID WESTERLY LINE OF PARCEL "A" AND THE NORTHERLY LINE OF LOT 34 "FLAGLER BEACH POLO CLUB WEST" A SUBDIVISION AS RECORDED IN PLAT BOOK 35, PAGES 23 THROUGH 29 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE CONTINUING ALONG THE NORTHERLY LINE OF LOT 34, THE WESTERLY LINE OF LOTS 25 THROUGH 34, AND THE NORTHERLY LINE OF TRACTS "A" AND "C" OF SAID SUBDIVISION THE FOLLOWING (14) COURSES. (1) S 67° 54' 48" W FOR A DISTANCE OF 258.06 FEET TO A 4"X4" CONCRETE MONUMENT, HAVING NO IDENTIFICATION AND TO A NON-TANGENTIAL CURVE; (2) THENCE ALONG SAID CURVE 174.89 FEET, CONCAVE EASTERLY, THROUGH AN ANGLE OF 167° 00' 24", HAVING A RADIUS OF 60.00 FEET, AND SUBTENDED BY A CHORD WHICH BEARS S 13° 05' 22" W FOR A DISTANCE OF 119.23 FEET TO A 1/2" IRON PIPE AND CAP STAMPED "LB 7397" AND TO A REVERSE CURVE; (3) THENCE CONTINUING ALONG SAID REVERSE CURVE 21.70 FEET, CONCAVE WESTERLY, THROUGH AN ANGLE OF 49° 43' 51", HAVING A RADIUS OF 25.00 FEET, AND SUBTENDED BY A CHORD WHICH BEARS S 45° 32' 55" E FOR A DISTANCE OF 21.02 FEET TO A 1/2" IRON PIPE AND CAP STAMPED "LB 7397"; (4) THENCE, S 20° 40' 59" E FOR A DISTANCE OF 717.73 FEET TO A 1/2" IRON PIPE AND CAP STAMPED "LB 7397" AND TO A CURVE; (5) THENCE ALONG SAID CURVE 21.68 FEET, CONCAVE WESTERLY, THROUGH AN ANGLE OF 49° 40' 36", HAVING A RADIUS OF 25.00 FEET, AND SUBTENDED BY A CHORD WHICH BEARS S 04° 09' 19" W FOR A DISTANCE OF 21.00 FEET TO A 1/2" IRON PIPE AND CAP STAMPED "LB 7397" AND TO A REVERSE CURVE; (6) THENCE ALONG SAID CURVE 104.04 FEET, CONCAVE EASTERLY, THROUGH AN ANGLE OF 99° 21' 13", HAVING A RADIUS OF 60.00 FEET, AND SUBTENDED BY A CHORD WHICH BEARS S 20° 40' 59" E FOR A DISTANCE OF 91.49 FEET, TO A 4"X4" CONCRETE MONUMENT AND DISK STAMPED "PRM LB 2232" AND TO A REVERSE CURVE; (7) THENCE ALONG SAID CURVE 21.68 FEET, CONCAVE WESTERLY, THROUGH AN ANGLE OF 49° 40' 37", HAVING A RADIUS OF 25.00 FEET, AND SUBTENDED BY A CHORD WHICH BEARS S 45° 31' 17" E FOR A DISTANCE OF 21.00 FEET TO A 5/8" IRON ROD HAVING NO IDENTIFICATION; (8) THENCE, S 20° 40' 59" E FOR A DISTANCE OF 961.68 FEET TO A 1/2" IRON PIPE AND CAP STAMPED "LB 7397" AND TO A CURVE; (9) THENCE ALONG SAID CURVE 38.66 FEET, CONCAVE WESTERLY, THROUGH AN ANGLE OF 88° 35' 47", HAVING A RADIUS OF 25.00 FEET, AND SUBTENDED BY A CHORD WHICH BEARS S 23° 36' 55" W FOR A DISTANCE OF 34.92 FEET TO A 4"X4" CONCRETE MONUMENT AND DISK STAMPED "PRM LB 2232"; (10) THENCE, S 67° 54' 48" W FOR A DISTANCE OF 992.97 FEET TO A 4" X 4" CONCRETE MONUMENT STAMPED "PRM LB 2232"; (11) THENCE, N 67° 05' 12" W FOR A DISTANCE OF 28.28 FEET TO A 4" X 4" CONCRETE MONUMENT STAMPED "PRM LB 2232"; (12) THENCE, S 67° 54' 48" W FOR A DISTANCE OF 100.00 FEET TO A 4"X4" CONCRETE MONUMENT AND DISK STAMPED "PRM LB 2232" AND TO A CURVE; (13) THENCE ALONG SAID CURVE 38.48 FEET, CONCAVE EASTERLY, THROUGH AN ANGLE OF 88° 10' 04", HAVING A RADIUS OF 25.00 FEET, AND SUBTENDED BY A CHORD WHICH BEARS N 66° 00' 10" W FOR A DISTANCE OF 34.79 FEET TO A 4" X 4" CONCRETE MONUMENT STAMPED "PRM LB 2232" AND TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; (14) THENCE, S 66° 04' 52" W FOR A DISTANCE OF 10.01 FEET TO A 4" X 4" CONCRETE MONUMENT STAMPED "PRM LB 2232", MARKING THE INTERSECTION OF AFOREMENTIONED NORTH LINE OF TRACT "C" WITH THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF OLD KINGS ROAD, (100-FT RIGHT OF WAY WIDTH AS NOW ESTABLISHED); THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 3 CALLS; (1) N 23° 55' 08" W A DISTANCE OF 244.61 FEET TO A 4" X 4" CONCRETE MONUMENT AND TO A CURVE; (2) THENCE ALONG SAID CURVE 272.40 FEET, CONCAVE SOUTHWESTERLY, THROUGH AN ANGLE OF 02° 43' 22", HAVING A RADIUS OF 5732.35 FEET, AND SUBTENDED BY A CHORD WHICH BEARS N 25° 16' 49" W FOR A DISTANCE OF 272.38 FEET TO A 4"X4" CONCRETE MONUMENT; (3) THENCE, N 26° 38' 30" W FOR A DISTANCE OF 1574.13 FEET TO THE POINT OF BEGINNING. CONTAINS 62.09 ACRES MORE OR LESS.

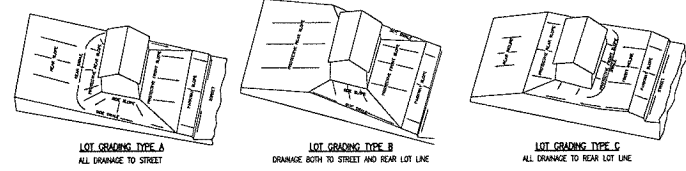
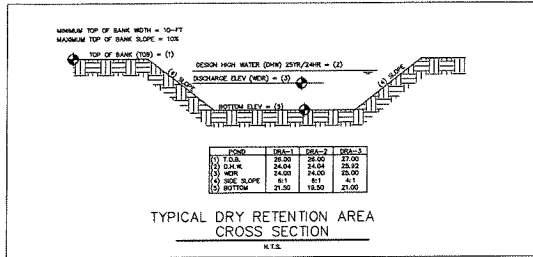
EXHIBIT "B"
DEPICTION OF ANNEXATION AREA



Geosam Properties Annexation Location Map



The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate, however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.



- NOTES:**
- ARROWS INDICATE MINIMUM SLOPES OF 1%
 - HIGH POINT OF SIDE SLOPE MUST BE AT LEAST 6-INCHES LOWER THAN GRADE AT BUILDING.
 - FINISHED FLOOR SHALL BE 6-INCHES HIGHER THAN ADJACENT GRADE.

LEGEND

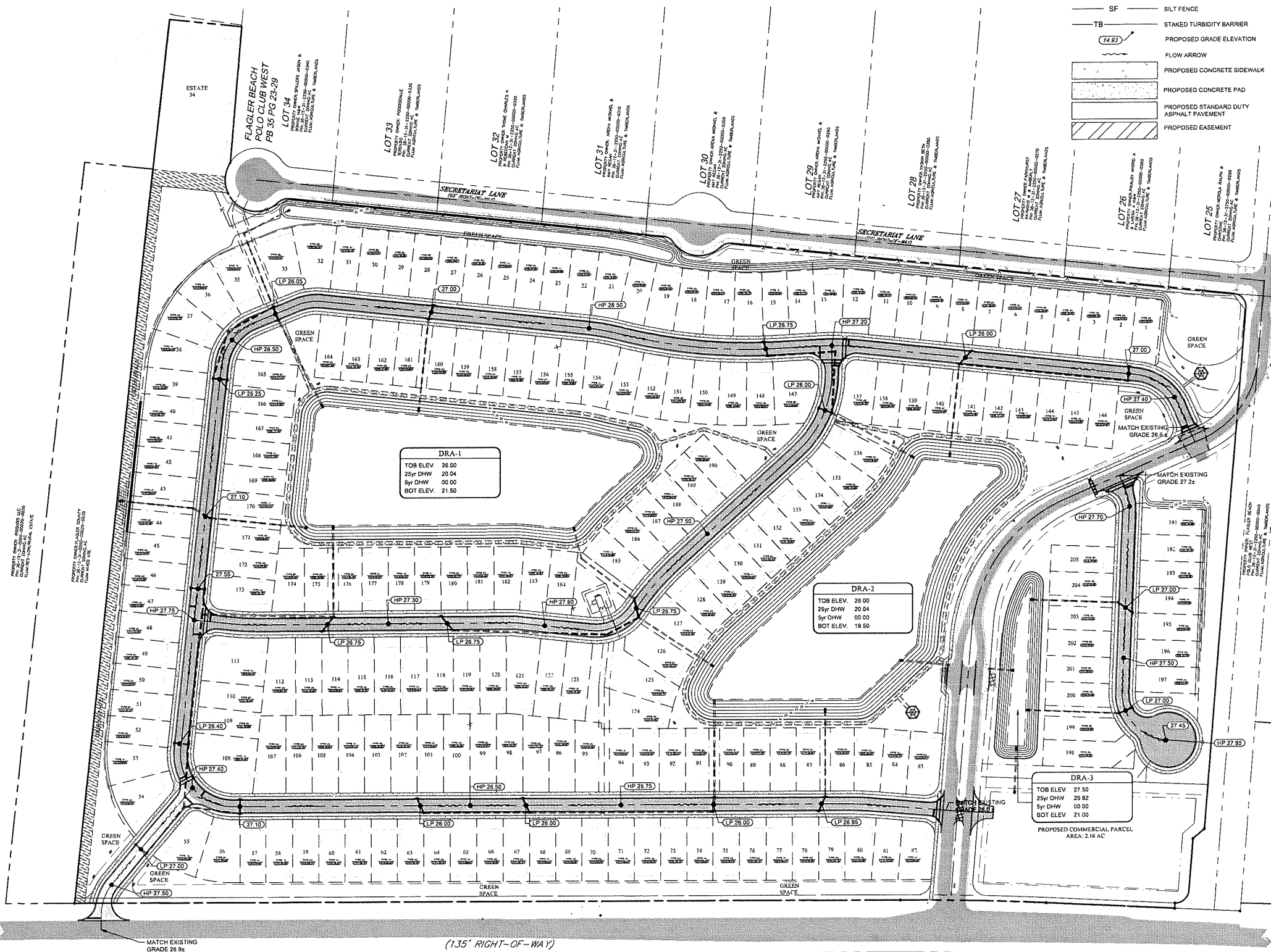
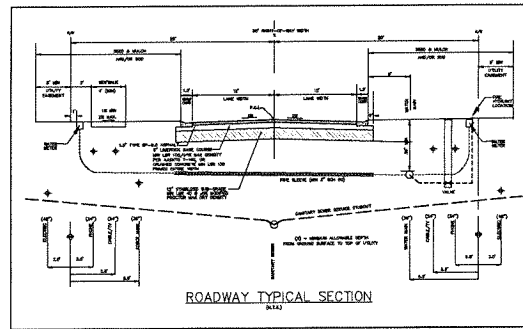
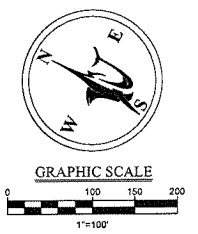
EXISTING

- EXISTING PROPERTY LINE
- EXISTING R/W LINE
- EXISTING STANDARD DUTY ASPHALT PAVEMENT
- EXISTING ACCESS EASEMENT

PROPOSED

- PROPOSED CURB & GUTTER
- PROPOSED CENTER LINE
- PROPOSED BUILDING OUTLINE
- PROPOSED CHAINLINK FENCE
- PROPOSED LOT LINE
- PROPOSED CONTOUR MAJOR
- PROPOSED CONTOUR MINOR
- SILT FENCE
- STAKED TURBIDITY BARRIER
- PROPOSED GRADE ELEVATION
- FLOW ARROW
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAD
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED EASEMENT

CITY APPROVAL STAMP



ENGINEERING PLANS FOR
OLD KINGS VILLAGE
 MASTER GRADING PLAN
 CITY OF PALM COAST, FLORIDA



FINAL ENGINEERING PLANS



2225 A1A S, SUITE A2
 ST AUGUSTINE, FLORIDA 32080
 904.784.4231
 matt@gulfstreamdesign.com
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PROJECT NO.	20-124
ISSUE DATE	09/07/2023
DRAFTED BY	MM
DESIGNED BY	TVB
CHECKED BY	MHL
NOT VALID WITHOUT SEAL	