

**ORDINANCE NO: 1225**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA; VOLUNTARILY ANNEXING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING FINDINGS; PUBLISHING NOTICE AND DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE WITH THE CIRCUIT COURT CLERK, POLK COUNTY'S CHIEF ADMINISTRATIVE OFFICER, AND THE DEPARTMENT OF STATE; PROVIDING A BUSINESS IMPACT ESTIMATE, A CONFLICTS PROVISION, SEVERABILITY, & AN EFFECTIVE DATE.**

**WHEREAS**, James Willwerth, as owner/applicant petitioned the City of Davenport, Florida, (hereafter "City") pursuant to Section 171.044, *Florida Statutes*, for voluntary annexation of said property into the municipal limits of the City; and,

**WHEREAS**, the owner of the real property referenced herein is listed as and the petition for annexation bears the signature of the owner; and,

**WHEREAS**, City staff has reviewed and subsequently recommended approval of the annexation of said property to the City Commission and has accomplished all actions required under the City Charter and the Code of Ordinances of the City of Davenport ("Code of Ordinances"); and,

**WHEREAS**, the City Commission hereby determines the property to be annexed is all within unincorporated Polk County, is reasonably compact and contiguous to the corporate areas of the City, the annexation of said property will not result in creation of an enclave, and annexation of said property otherwise fully complies with the requirements of State law; and,

**WHEREAS**, the City has furnished Polk County a copy of the published notice of annexation by certified mail no sooner than ten (10) days prior to said publication; and,

**WHEREAS**, all other procedural and notice requirements mandated by State law, the City's Charter and Code of Ordinances have been followed and satisfied; and,

**WHEREAS**, the City has performed a business impact estimate pursuant to § 166.041(4)(c), and determined that adoption of this ordinance:

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (2) has no direct negative economic impact on private, for-profit businesses in the city,
- (3) will not result in direct compliance costs by businesses,
- (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
- (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City; and,

**WHEREAS**, the City Commission hereby determines that it is to the advantage of the City and in the best interests of the City's citizens to annex the property described below.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS.** The above recitals are hereby adopted and incorporated into this Ordinance as legislative findings of the City Commission of the City of Davenport, Florida.

**SECTION 2. ANNEXATION.** The City Commission hereby annexes into the City of Davenport, Florida, the property legally described in Exhibit "A" attached to and incorporated into this Ordinance, and graphically depicted in Exhibit "B" attached to and incorporated into this Ordinance (the "Annexed Property"). The City Commission directs and determines that the boundaries of Davenport as specified by the City's Charter shall be redefined to include the Annexed Property.

**SECTION 3. EFFECT OF ANNEXATION.** Upon this Ordinance becoming effective, the property owners of the said Annexed Property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of Davenport, 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 governing authority of the City, and the provisions of said Chapter 171, *Florida Statutes*.

**SECTION 4. ADMINISTRATIVE ACTIONS.** In accordance with Section 171.044(3), *Florida Statutes*, within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a certified copy of this Ordinance, with legal description and map, with the Clerk of the Court of Polk County (Land Records/Recording), with the Chief Administrative Officer of Polk County (the County Manager), with the Florida Department of State, and with any additional agencies impacted by said annexation.

**SECTION 5. LAND USE AND ZONING.** The Annexed Property shall, upon its annexation, remain subject to the County's land use plan and zoning or subdivision regulations until Davenport adopts a comprehensive plan amendment that includes the Annexed Properties annexed, as required by section 171.062, *Florida Statutes*.

**SECTION 6. BUSINESS IMPACT ESTIMATE.** Pursuant to Section 166.041(4), *Florida Statutes*, the City of Davenport is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance voluntarily annexes land into the City of Davenport. The voluntary annexation of residential land into the City (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible, and (5)

does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

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

**SECTION 8. SEVERABILITY.** Upon a determination by a court of competent jurisdiction that a portion of this ordinance is void, unconstitutional, or unenforceable, all remaining portions shall remain in full force and effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 9. NO CODIFICATION.** The provisions of this Ordinance shall not be codified, but the Annexed Property shall be incorporated and included in all appropriate maps of the City Limits of the City of Davenport, Florida, by the City Manager, and the City Manager is hereby directed to take any and all appropriate actions relative to land use planning pertaining to the Annexed Property pursuant to this Ordinance.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall take effect as provided by state law within ten (10) days of adoption.

**INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING** by the City Commission of the City of Davenport, Florida, meeting in regular Session this 16<sup>th</sup> day of January 2024.

**CITY OF DAVENPORT, FLORIDA**

\_\_\_\_\_  
Brynn Summerlin, Mayor

ATTEST:

\_\_\_\_\_  
Raquel Castillo, City Clerk

**INTRODUCED, PASSED AND DULY ADOPTED ON SECOND READING** by the City Commission of the City of Davenport, Florida, meeting in regular Session this 5<sup>th</sup> day of February 2024.

**CITY OF DAVENPORT, FLORIDA**

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Brynn Summerlin, Mayor

ATTEST:

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Raquel Castillo, City Clerk

Approved as to form and legality:

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Thomas Cloud, City Attorney

**EXHIBIT "A"**  
**POLK COUNTY, FLORIDA**  
**LEGAL DESCRIPTION**

**Legal Description:**

PRINCE ORANGE MANOR PB 21 PG 19 BLK 9 LOTS 13 THRU 15

**Parcel ID:** 272711-735000-009130  
Davenport, FL 33837

**Metes and Bounds:**

Lots 13, 14 and 15 in Block 9, PRINCE ORANGE MANOR, according to the map or plat thereof as recorded in Plat Book 21, Page 19, Public Records of Polk, Florida.

**EXHIBIT "B"**  
**Location Map**





## **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Davenport's website by the time notice of the proposed ordinance is published.*

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA; VOLUNTARILY ANNEXING 0 Wilton PL (272711-735000-009130) INTO THE CORPORATE LIMITS OF DAVENPORT, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; REDEFINING THE BOUNDARIES OF THE CITY OF DAVENPORT TO INCLUDE SAID PROPERTY; PROVIDING FOR FINDINGS; PROVIDING PUBLICATION OF NOTICE OF THE PROPOSED ANNEXATION; DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF POLK COUNTY, AND WITH THE DEPARTMENT OF STATE; PROVIDING A BUSINESS IMPACT ESTIMATE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Davenport is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Davenport is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Davenport hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*This proposed ordinance will provide City services for the applicant and will expand the City boundaries, thus serving the public health safety, morals and welfare.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Davenport, if any:
  - (a) An estimate of direct compliance costs that businesses may reasonably incur;
  - (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
  - (c) An estimate of the City of Davenport's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*Annexation does not lessen or remove any private resident or commercial business. Thus, it is estimated that neither residents nor any business will incur additional costs. The city does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: *Zero (0)*

4. Additional information the governing body deems useful (if any):

*City of Davenport staff solicited comments from businesses and residents in the City of Davenport as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of Davenport's website, public workshop, etc. The proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect residents or businesses.*