

**ORDINANCE NO. 24-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; ANNEXING APPROXIMATELY 139.23 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF STATE ROAD 524 AND STATE ROADS 520, AND MORE SPECIFICALLY WEST OF ADAMSON ROAD AND NORTH OF STATE ROADS 520 AND 524; PROVIDING FOR THE AMENDMENT OF COCOA CHARTER, ARTICLE 1, CITY BOUNDARIES, TO INCORPORATE THE REAL PROPERTY INTO THE CITY BOUNDARIES; PROVIDING FOR THE FILING OF THE REVISED COCOA CHARTER WITH THE DEPARTMENT OF STATE AND AS ALSO REQUIRED BY LAW; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to ensure sound urban development and efficient provision of urban services; and

**WHEREAS**, on October 9, 2019, the City Council adopted the Cape Canaveral Heights State Road 520 and State Road 524 Annexation Report which demonstrates that the real property subject to this Ordinance is appropriate for annexation by the City of Cocoa and that the City of Cocoa has the capability to provide needed public facilities and services to said property ("Annexation Report"). Said Annexation Report is on file at City Hall and is hereby incorporated herein by this reference in support of the annexation adopted by this Ordinance; and

**WHEREAS**, the metes and bounds legal description of the real property which is subject to annexation by this Ordinance is set forth in Section 2 of this Ordinance; and

**WHEREAS**, the City Council finds that the City has provided written notice of the subject annexation and report to Brevard County and mailed written notice to the affected property owners in accordance with the requirements of Section 171.042, Florida Statutes; and

**WHEREAS**, the City Council also finds that the City has published the required legal advertisements twice in a newspaper of general circulation in accordance with Section 171.0413, Florida Statutes; and

**WHEREAS**, the First National Real Estate Company, Inc. (a successor by merger with Cape Canaveral Heights Properties, Inc.) Property, the Gigi II LLC Property and the Jacob Aaron Corporation Property, hereinafter referred to as the "Consenting Annexation Properties," total 43

parcels of land and consist of 122.58 acres and are legally described and illustrated in **EXHIBIT “A”**; and

**WHEREAS**, the owners of the Consenting Annexation Properties (“Consenting Property Owners”) have filed with the City, and the City Council has previously accepted, written irrevocable petitions for annexation committing to the City’s annexation of the Consenting Annexation Properties into the municipal boundaries of the City of Cocoa; and

**WHEREAS**, the other real property subject to this Annexation consists of 16 parcels of land and 16.65 acres and are legally described and illustrated in **EXHIBIT “A”** (“Other Annexation Properties”); and

**WHEREAS**, the Consenting Annexation Properties and Other Annexation Properties are located within unincorporated Brevard County, Florida; and

**WHEREAS**, there are no registered electors on the Consenting Annexation Properties and Other Annexation Properties; and

**WHEREAS**, the City has determined that the area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, does not have any registered electors, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

**WHEREAS**, the Consenting Property Owners are the owners of parcels of land representing more than fifty percent (50%) of the parcels of land in the area to be annexed; and

**WHEREAS**, the Consenting Property Owners are the owners of more than fifty percent (50%) of the land in the area to be annexed; and

**WHEREAS**, the City Council has determined that the annexation of the Consenting Annexation Properties and the Other Annexation Properties have met all of the procedural requirements and that it will promote sound urban development and efficient provision of urban services; and

**WHEREAS**, the annexation is in compliance and consistent with the goals and objectives of the City of Cocoa Comprehensive Plan, Charter, and the City Code; and

**WHEREAS**, in the best interests of the public health, safety and welfare of the citizens of Cocoa, the City Council of the City of Cocoa desires to annex the real property generally described below into the municipal boundaries of the City of Cocoa; and

**WHEREAS**, upon adoption of this Ordinance, the municipal boundary lines of the City of Cocoa, contained in Cocoa Charter, Article 1, Section 1, shall be redefined to include the subject

property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:**

**Section 1.**     **Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

**Section 2.**     **Annexation of Real Property.** The area of real property, which is more particularly described in the metes and bounds legal description and location map attached hereto as **EXHIBIT "A,"** is hereby annexed into the City of Cocoa by the City Council. **EXHIBIT "A,"** which consists of two (2) pages, is hereby fully incorporated herein by this reference. The real property shall be known as existing within the boundaries of the City of Cocoa, Florida, from the effective date of this Ordinance.

**Section 3.**     **City Boundaries Redefined; Cocoa Charter Amended; Recording.** Pursuant to section 166.031(3), Florida Statutes, and section 171.091, Florida Statutes, the City of Cocoa Charter, Article I, Section 1, shall hereby be amended to redefine the corporate boundaries of the City of Cocoa to include the area of real property described in Section 2 of this Ordinance. The City Clerk shall file the revised Cocoa Charter, Article I, Section 1, with the Department of State within thirty (30) days from the effective date of this Ordinance. The City Clerk shall also file this Ordinance with the Clerk of the Circuit Court of Brevard County, the Chief Administrator of Brevard County, and the Department of State within seven (7) days of the effective date. A copy of the Ordinance shall also be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

**Section 4.**     **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5.**     **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, 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.

**Section 6.**     **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

**[Adoption Page Follows]**

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the 8th day of January, 2020.

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**JAKE WILLIAMS, JR., Mayor**

**ATTEST:**

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**CARIE SHEALY, MMC**  
**City Clerk**