

**ORDINANCE NO. 1485-24**

**AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS PARCEL NUMBER 03-26-21-0010-11700-0020 ZEPHYRHILLS FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED.**

**WHEREAS**, Black Marlin Capital LLC, owner of the lands hereinafter described in Section 1 below, and have requested and consented through a Petition for Annexation for approximately 4.155 acres of property (MOL) described in Section 1 below to be annexed into the boundaries of the City of Zephyrhills; and

**WHEREAS**, the City Council has determined that said property is contiguous to the municipal boundaries of the City, that the area of annexation is reasonably compact, and currently lies within unincorporated Pasco County, and that the annexation of said property will not result in the creation of any enclave; and

**WHEREAS**, the City is authorized by Section 171.044, Florida Statutes, to annex contiguous and infill areas, and to extend the City limits upon receipt of written consent of the landowner together with the approval of the City Council after published notice and public hearings; and

**WHEREAS**, the City Council finds that the Ordinance number, heading, brief description of the area to be annexed and a map depicting where the lands are to be annexed are located was properly published and advertised as request by Florida Statutes; and

**WHEREAS**, all other procedural and notice requirements mandated by Florida Statutes and the City's Land Development Code has been followed and satisfied; and

**WHEREAS**, the City Council has reviewed and evaluated the Petition submitted and has determined that all owners of said lands have signed the Petition and that the annexation of said lands into the City is in the public interest and is consistent with the City's Comprehensive Plan and Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Zephyrhills, Florida, as follows:

**Section 1. Recitals.**

The Whereas Clauses above are true and accurate and are incorporated by reference and made a part of this Ordinance.

**Section 2. Authority.**

The City of Zephyrhills, Florida, is authorized by the legislature of the State of Florida, pursuant to Section 171.044, Florida Statutes, and pursuant to the Charter of the City of Zephyrhills, to annex contiguous or infill areas and to extend the City limits or territorial boundaries upon receipt of written consent of all owners of land contained in the area to be annexed, together with the approval of the City Council of the City of Zephyrhills, of said annexation duly expressed by Ordinance.

**Section 3. Annexation.**

The following described lands, lying and being situated in Pasco County, to wit:

**Parcel/Tax I.D. Number:** 03-26-21-0010-11700-0020

**Physical Address:** N/A

**Legal Description:** A portion of the West 1/2 of Tracts 117 and 124 of Zephyrhills Colony Company Lands as recorded in Plat Book 2, Page 1, Public Records of Pasco County Florida, lying within the Southwest 1/4 of Section 03, Township 26 South, Range 21 East, Pasco County Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of Section 03, Township 26 South, Range 21 East, Pasco County, Florida; thence North 89°35'57" West 671.79 feet along the South line of said Southwest 1/4 to the prolongation of the West line said Tract 124; thence North 00°47'56" East 40.00 feet along said West line to the North right of way of Geiger Road to the POINT OF BEGINNING; thence continue North 00°47'56" East 620.02 feet to the Northwest corner of said Tract 117; thence South 89°38'19" East 326.21 feet to the Northeast corner of the West 1/2 of said Tract 117; thence South 00°36'48" West 420.23 feet along the East line of the West 1/2 of said Tracts 117 and 124; thence North 89°35'57" West 110.00 feet; thence South 00°36'48" West 200.00 feet to the North right of way line of Geiger Road; thence North 89°35'58" West 218.26 feet to the POINT OF BEGINNING.

**Acreage:** 4.155 Acres, more or less.

It is the intention of the City Council of the City of Zephyrhills, Florida to annex the above-described lands to said City within its territorial limits and the boundary lines of said City are hereby redefined and extended so as to include said area of lands within its territorial limits upon the final passage of this Ordinance subject to the following conditions:

1. Applicant is hereby notified that the City makes no guarantee that potable water will be available for any residential project on said lands upon final completion and request for a Certificate of Occupancy ("CO").
2. The City shall receive adequate assurances prior to the issuance of any CO, (as determined by the City), that Pasco County commits to make significant roadway improvements to Geiger Road, including, but not limited to a Full Depth Reclamation and other safety upgrades as determined by the City and agreed-upon by Pasco County.
3. The owner will enter into a Developer's Agreement with the City prior to Site Plan Approval to construct a trail from the Cottages of Silver Oaks project, east to Massey Road or contribute to the sidewalk mitigation fund in an amount equal to the cost of construction of said trail. If the right of way is not sufficient, as determined by the City, to construct the proposed trail or a portion thereof, a sidewalk may be constructed in lieu of a trail for that portion or portions of the proposed trail.
4. At the Site Development Plan review stage, the owner, owner's arborist, and Staff shall walk the property and identify trees to be saved (with the aid of a completed arborist report). Pursuant to Section 7.06.04 Tree Removal Guidelines, of the City of Zephyrhills Land Development Code, a maximum of 50% of trees shall be allowed to be removed.


**Section 4. Prerequisites Satisfied.**

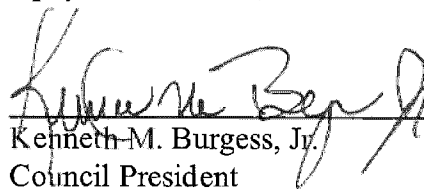
Said lands are contiguous to or is infill of the present City limits of the City of Zephyrhills. That said lands are now unincorporated and lie in the same County as said City, and when annexed would form a compact addition to the incorporated territory of said City. That the owners of said lands contained in the said area to be annexed have given written consent to have such annexation for said area.

**Section 5. Effective Date.**


This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

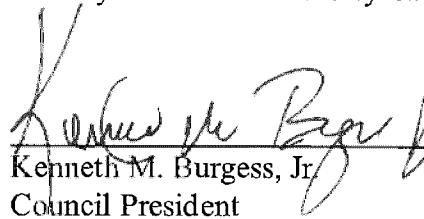
The foregoing Ordinance No. 1485-24 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 22<sup>nd</sup> day of July 2024.

Attest:   
Lori L. Hillman, City Clerk, MMC

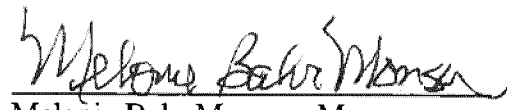
  
Kenneth M. Burgess, Jr.  
Council President

The foregoing Ordinance No. 1485-24 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 12<sup>th</sup> day of August 2024.

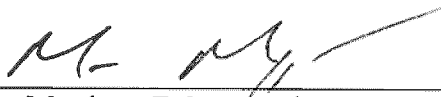
Attest:   
Ricardo Quinones, City Clerk  
Deputy City Clerk

  
Kenneth M. Burgess, Jr.  
Council President

The foregoing Ordinance No: 1485-24 was approved by me on this 12th day of August 2024.

  
Melonie Bahr Monson, Mayor

Approved as to legal form and content  
for the reliance of the City of Zephyrhills only:

  
Matthew E. Maggard, Esq.  
City Attorney