

ORDINANCE 2012- 01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, REDEFINING THE CORPORATE/MUNICIPAL BOUNDARIES (CITY LIMITS) OF THE CITY OF DAYTONA BEACH SHORES AND AMENDING THE *CITY CHARTER OF THE CITY OF DAYTONA BEACH SHORES* IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.031, *FLORIDA STATUTES*, AND OTHER CONTROLLING LAW; PROVIDING FOR PURPOSE AND OBJECTIVES; PROVIDING FOR A REVISED LEGAL DESCRIPTION OF THE CORPORATE/MUNICIPAL BOUNDARIES (CITY LIMITS) OF THE CITY OF DAYTONA BEACH SHORES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the provisions of Section 166.031(3), *Florida Statutes*, provide that A[a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

WHEREAS, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

; and

WHEREAS, the City Council of the City of Daytona Beach Shores has annexed various properties which have been included within the City Limits of the City of Daytona Beach Shores in accordance with the provisions of State law and such properties are included in the legal description set forth in the Exhibit to this Ordinance said properties now being a part of the City of Daytona Beach Shores and being located within the municipal or corporate boundaries of the City of Daytona Beach Shores and being subject to the jurisdiction of the City of Daytona Beach Shores; and

WHEREAS, the City Council of the City of Daytona Beach Shores deems it necessary and desirable to amend the *City Charter of the City of Daytona Beach Shores* in accordance with State law to redefine the corporate or municipal boundaries (City Limits) of the City of Daytona

Beach Shores in accordance with the provisions of State law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: LEGISLATIVE FINDINGS. A new section of the *City Charter of the City of Daytona Beach Shores* is created to read as follows:

- (a). The City staff report and City Council agenda memorandum relating to this matter are hereby adopted as if fully set forth herein.
- (b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c). The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Daytona Beach Shores and incorporated into this Ordinance as if set forth *in haec verba*.

SECTION TWO: LEGAL DESCRIPTION OF CITY OF DAYTONA BEACH SHORES. The legal description (setting forth the municipal or corporate boundaries) of the City of Daytona Beach Shores is hereby amended as set forth in the Exhibit to this Ordinance which Exhibit is hereby incorporated herein by this reference thereto as if fully set forth herein verbatim and said Exhibit is made a part of this Ordinance describing the redefined City Limits of the City of Daytona Beach Shores. Said legal description effectuates the inclusion of all rights-of-way of any type or nature being included within the City Limits of the City when abutted, on both sides, by property located within the City Limits, and inclusion of rights-of-way, to the centerline of the rights-of-way, when abutted on one side by property located within the City Limits of the City.

SECTION THREE: DUTY OF CITY CLERK. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Florida Department of State in accordance with the provisions of Section 166.031(2), *Florida Statutes*.

SECTION FOUR: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the exercise of municipal jurisdiction and the effectuation of the City Limits of the City are hereby ratified and affirmed.

SECTION FIVE: CODIFICATION/INTENT. The provisions of this Ordinance, including its recitals, shall, as determined by the Code Codifier, become and be made a part of the *City Charter of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION SIX: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SEVEN: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

HARRY JENNINGS, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

LONNIE GROOT, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2012.

Adopted on second reading this _____ day of _____, 2012.