



RETURN TO:
 CITY OF ST. CLOUD
 DEPT. OF PLANNING & ZONING
 1300 9TH STREET
 ST. CLOUD, FL 34769

CFN 2019123248
 Bk 5594 Pgs 1019-1023 (5 Pgs)
 DATE: 09/24/2019 09:48:13 AM
 ARMANDO RAMIREZ, CLERK OF COURT
 OSCEOLA COUNTY
 RECORDING FEES \$0.00

ORDINANCE NO. 2019-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, ASSIGNING A FUTURE LAND USE DESIGNATION OF "COMMERCIAL" TO APPROXIMATELY 1.67 ACRES IDENTIFIED AS LOT 32, HICKORY TREE ROAD, LOCATED AT THE NORTHWEST CORNER OF HICKORY TREE ROAD AND OLD HICKORY TREE ROAD; PROVIDING FOR AMENDING THE OFFICIAL FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN, FILING OF THE PLANNING COMMISSION RECOMMENDATION AND PROOF OF PUBLICATION, APPLICABILITY AND EFFECT, SEVERABILITY, COPIES ON FILE AND EFFECTIVE DATE.

WHEREAS, Chapter 163.3167, Florida Statutes, and Article VII, of the Charter Laws of the City of St. Cloud, allows the City Council of the City of St. Cloud to prepare and enforce a Comprehensive Plan and under such authority only lawful procedures and requirements have been met; and,

WHEREAS, the City adopted the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, by Ordinance 2002-41, on September 26, 2002; and,

WHEREAS, pursuant to Chapter 163.3187, Florida Statutes, the City Council of the City of St. Cloud has determined it necessary and desirable to adopt the amended version of the City of St. Cloud, Florida, Comprehensive Plan; and,

WHEREAS, this Ordinance is enacted under the authority of Chapter 163.3161 through 163.3215 and Chapter 166, Florida Statutes, as amended, reserving to the City Council of the City of St. Cloud all permitted discretionary authority; and,

WHEREAS, this small scale land use amendment meets all requirements of Chapter 163.3187(1) (c), Florida Statutes; and,

WHEREAS, the City Council has received the recommendation of Planning Commission dated July 16, 2019; and,

WHEREAS, the City Council has at least one (1) hearing on this matter consistent with the requirements of Chapter 163.3187 (2) Florida Statutes, and advertisement and notice being consistent with the requirements of Chapter 166.041 (3) (c) 1 and 2.b., Florida Statutes.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, as follows:

SECTION 1:

All information above is true and correct.

SECTION 2:

The City of St. Cloud, Florida, Comprehensive Plan is amended in the following respects to the property, identified under Comprehensive Plan Amendment 2019-37, as shown on Exhibit "A", and described as follows:

LOT 32, THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 31 EAST, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 'B' PAGE 25, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY, PURSUANT TO COUNTY ROAD MAP IN BOOK 1, PAGE 55 FILED AUGUST 26, 1988 PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, AND LESS AND EXCEPT THE FOLLOWING:

A PARCEL OF LAND BEING A PORTION OF LOT 32, THE SEMINOLE LAND AND INVESTMENT COMPANY'S SUBDIVISION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 31 EAST, AS RECORDED IN PLAT BOOK "B" PAGE 25, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 32; THENCE RUN S 00°30'10" W ALONG THE WEST LINE OF SAID LOT 32, A DISTANCE OF 249.09 FEET TO THE POINT OF BEGINNING; THENCE RUN S 89°38'39" E, A DISTANCE OF 625.56 FEET TO A POINT ON THE WEST RIGHT OF WAY RIGHT OF WAY LINE OF HICKORY TREE ROAD (STATE ROAD 15); THENCE ALONG SAID WEST RIGHT OF WAY LINE OF THE FOLLOWING TWO (2) COURSES AND DISTANCES; THENCE RUN S 01°46'38" W, A DISTANCE OF 23.71 FEET; THENCE RUN S 46°22'58" W, A DISTANCE OF 27.79 FEET TO THE POINT ON THE NORTH MAINTAINED RIGHT OF WAY LINE OF OLD HICKORY TREE ROAD PER OSCEOLA COUNTY ROAD MAP BOOK 1, PAGE 55; THENCE RUN N 89°38'39" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 605.08 FEET TO A POINT ON AFORESAID WEST LINE OF LOT 32; THENCE RUN N 00°30'10" E ALONG SAID WEST LINE, A DISTANCE OF 43.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.613 ACRES, MORE OR LESS.

REMAINING LOT 32 CONTAINS 3.58 ACRES MORE OR LESS

ALSO LESS AND EXCEPT THE FOLLOWING:

BEGINNING AT THE NORTHWEST CORNER OF LOT 32; THENCE RUN S 00°30'10" W ALONG THE WEST LINE OF SAID LOT 32, A DISTANCE OF 249.09 FEET TO A POINT 45.00 FEET N 00°30'10" E OF THE NORTH RIGHT OF WAY LINE OF OLD HICKORY TREE ROAD; THENCE RUN S 89°38'39" E, PARALLEL TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 312.78 FEET; THENCE RUN N 01°08'19" E, A DISTANCE OF 248.64 FEET TO THE NORTH LINE OF AFORESAID LOT 32, THENCE RUN N 89°33'29" W ALONG SAID NORTH LINE 315.54 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.79 ACRES MORE OR LESS

TRACT B CONTAINS 1.79 ACRES MORE OR LESS.

Including the full width of any and all adjacent rights-of-way.

- A. The City of St. Cloud Future Land Use Map, 2020, is amended to show the property as "Commercial";
- B. Any and all additional maps of the Comprehensive Plan are amended to show the property;
- C. All Goals, Objectives, Policies, and other planning provisions applicable to properties as shown and set forth in the City of St. Cloud, Florida, Comprehensive Plan apply to the property.

SECTION 3:

The City Manager or his/her designee is authorized and directed to promptly enter changes on the Official Future Land Use Map.

SECTION 4:

Upon adoption of this ordinance, the Planning Commission recommendation and "Proof of Publication" of the required Public Hearing notices shall be filed in the Department of Planning and Zoning.

SECTION 5:

The applicability and effect of the City of St. Cloud, Florida, Comprehensive Plan shall be as provided by Chapter 163.3161 through 163.3217, Florida Statutes, and this Ordinance, reserving to the City Council of the City of St. Cloud all permitted discretionary authority.

SECTION 6:

The City Clerk, after consultation with the City Attorney, is authorized to correct scrivener's errors found by filing a corrected copy of this ordinance in the official records of the City.

SECTION 7:

If any section or portion of a section of this ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this ordinance.

SECTION 8:

- A. A certified copy of the enacting ordinance and any amendments shall be filed with the Clerk of the Circuit Court.
- B. A certified copy of the enacting ordinance, as well as certified copies of the City of St. Cloud, Florida, Comprehensive Plan and any amendments, shall be on file and made available to the public in the office of the City Clerk of the City of St. Cloud, Florida.
- C. To make the City of St. Cloud, Florida, Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as certified copies of the City of St.

Cloud, Florida, Comprehensive Plan and any amendments, shall be located in the Department of Planning and Zoning of the City of St. Cloud. The Department of Planning and Zoning shall also make copies available to the public for a reasonable publication charge.

SECTION 9:

Effective Date. This ordinance has been published and shall take effect as provided by law.

First Reading on the 22nd day of August, 2019

Second Reading and Final Passage on the 12th day of September, 2019





Nathan Blackwell, Mayor



Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:

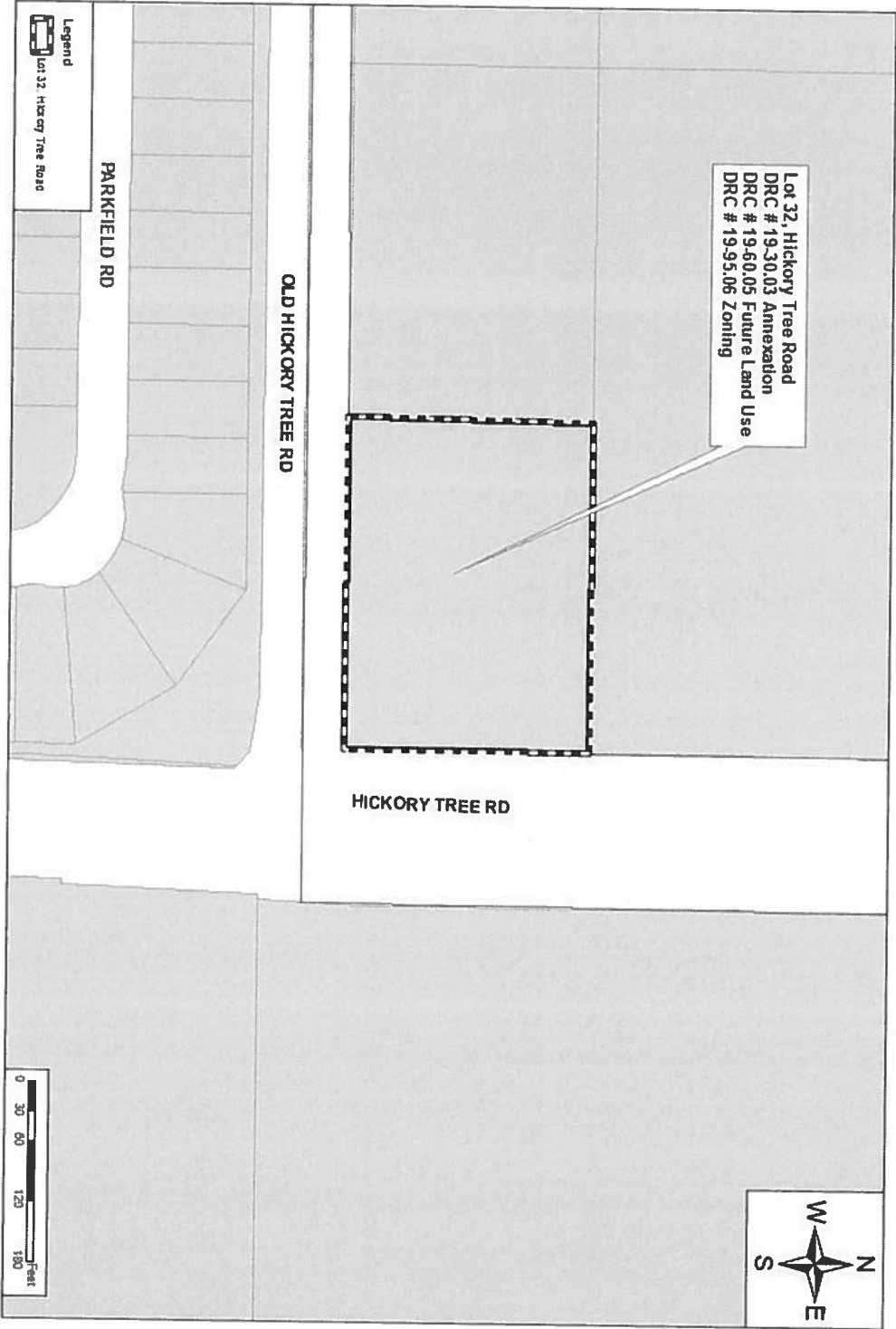
DEBEAUBIEN, KNIGHT, SIMMONS, MANTZARIS & NEAL

By: 

Daniel F. Mantzaris, City Attorney

Pursuant to Section 695.26 (3) (f), this instrument exempt from Chapter 695, F.S.: Prepared by and return to a Public Official: City Manager, City of St. Cloud; 1300 9th Street; St. Cloud, Florida 34769

EXHIBIT "A"



PARCEL ID NO: 19-26-31-4950-0001-0324