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ORDINANCE NO. 2023-17

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AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL ANNEXING, PURSUANT TO A PETITION FOR INVOLUNTARY ANNEXATION, CERTAIN REAL PROPERTY COMPRISED OF 257.9+/- ACRES LOCATED ON THE NORTH SIDE OF STATE ROAD 7 ADJACENT TO THE WESTERN BOUNDARY OF THE TOWN OF LOXAHATCHEE GROVES AND EXTENDING WESTERLY APPROXIMATELY 0.65 MILES, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING SECTION 11 OF THE VILLAGE CHARTER BY REDEFINING THE CORPORATE LIMITS OF THE VILLAGE OF WELLINGTON; DIRECTING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS ANNEXATION; DIRECTING THE VILLAGE CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT IN PALM BEACH COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF PALM BEACH COUNTY, AND THE FLORIDA DEPARTMENT OF STATE WITHIN SEVEN DAYS AFTER ADOPTION, IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES; APPROVING A BALLOT SUMMARY AND BALLOT QUESTION; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council has initiated a petition for involuntary annexation of real property, hereinafter described in Exhibit A to this ordinance, and has received letters of support/consent from the owners of more than 60% of the acres of land in the area proposed to be annexed and from the owners of more than 50% of the parcels of land proposed to be annexed into the Village of Wellington, Florida, pursuant to the provisions of Section 171.044, Florida Statutes; and

WHEREAS, the real property proposed to be annexed, consisting of 257.9+/- acres depicted on the map attached hereto as Exhibit B and legally described as set forth in Exhibit A, which is made a part hereof, is located in the unincorporated area of Palm Beach County, is contiguous to the Village of Wellington, is reasonably compact and the annexation of such proposed area does not result in the creation of enclaves; and

WHEREAS, Wellington has prepared a feasibility study in compliance with section 171.042, Florida Statutes, and has filed a copy of such study with the Board of County Commissioners for Palm Beach County at least 15 days prior to commencing the annexation procedures set forth in section 171.0413, Florida Statutes; and

WHEREAS, not less than 10 days prior to the first public hearing on this ordinance,

1 Wellington has mailed a written notice to each person who resides or owns property within the
2 area proposed to be annexed, which notice described the annexation proposal and set forth
3 the time and place for each public hearing to be held and the place or places within Wellington
4 where the proposed ordinance may be inspected by the public and which is available for
5 inspection during regular business hours of the office of Wellington’s Village Clerk; and
6

7 **WHEREAS**, the Council has taken the recommendations from the Wellington staff and
8 the comments from the public into consideration when considering the petition for annexation;
9 and
10

11 **WHEREAS**, the Wellington Council has determined that it is in the public interest to
12 annex into the Village of Wellington the real property described in Exhibit A and depicted in
13 Exhibit B, attached to hereto.
14

15 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF**
16 **WELLINGTON, FLORIDA THAT:**
17

18 **SECTION 1:** The real property herein described in Exhibit A and depicted in Exhibit B
19 is hereby annexed into the Village of Wellington, Florida, effective December 15, 2024.
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21 **SECTION 2:** Effective December 15, 2024, section 11 of the Village Charter, entitled
22 “Land Description” is hereby amended to reflect the property annexed into the Village of
23 Wellington by this ordinance.
24

25 **SECTION 3:** The Village Manager is hereby directed to do all things necessary to
26 effectuate this annexation.
27

28 **SECTION 4:** The Village Clerk is hereby directed to file a copy of this Ordinance with
29 the Clerk of the Circuit Court, Palm Beach County, the Chief Administrative Officer of Palm
30 Beach County, and the Department of State within seven days of the adoption of this
31 Ordinance.
32

33 **SECTION 5:** All ordinances or parts of ordinances in conflict herewith are hereby
34 repealed.
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36 **SECTION 6:** The annexation proposed by this ordinance shall be submitted to the
37 electors who own or reside on the parcels proposed to be annexed at an election to be held on
38 Tuesday, March 19, 2024, in accordance with the requirements of Ch. 171, Florida Statutes,
39 and shall be deemed approved upon the favorable vote of a majority of the electors voting at
40 that time upon the following question:
41
42

43 **REFERENDUM QUESTION NO. 1**
44

45 **Annexation—Determine whether to approve annexation**
46 **into the Village of Wellington**
47

48 **BALLOT SUMMARY:** Florida law provides a process for

1 expanding municipal boundaries by annexing areas
2 contiguous to the municipality's boundaries. The Village of
3 Wellington proposes to annex 257.9+/- acres located on the
4 north side of State Road 7 adjacent to the western boundary
5 of the Town of Loxahatchee Groves and extending westerly
6 approximately 0.65 miles. If approved, the proposed
7 annexation area will become part of the Village of
8 Wellington's municipal boundaries, effective December 15,
9 2024.

10
11 **BALLOT QUESTION: Shall the proposed area**
12 **comprised of 257.9+/- acres be annexed into the Village**
13 **of Wellington?**

14
15 **O For annexation of the property described in**
16 **Ordinance No. 2023-17 of the Village of Wellington**

17
18 **O Against annexation of the property described in**
19 **Ordinance No. 2023-17 of the Village of Wellington**

20
21 **SECTION 7:** Should any section, paragraph, sentence, clause, or phrase of this
22 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
23 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
24 Ordinance shall prevail to the extent of such conflict.

25
26 **SECTION 8:** Should any section, paragraph, sentence, clause, or phrase of this
27 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
28 not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the
29 part so declared to be invalid.

30
31 **SECTION 9:** This Ordinance shall become effective after adoption by Council on
32 second reading and immediately following approval by a majority of the electors in the area
33 proposed to be annexed.

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1 **PASSED** this _____ day of _____, 2023 on first reading.
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4 **PASSED AND ADOPTED** this ____ day of _____, 2024, on second and final reading.
5

6 **WELLINGTON**

7 **FOR** **AGAINST**
8

9 BY: _____
10 Anne Gerwig, Mayor
11
12 _____
13 Michael J. Napoleone, Vice Mayor
14
15 _____
16 John T. McGovern, Councilman
17
18 _____
19 Michael Drahos, Councilman
20
21 _____
22 Tanya Siskind, Councilwoman
23
24

25 **ATTEST:**
26
27

28 BY: _____
29 Chevelle D. Addie, Clerk
30

31 **APPROVED AS TO FORM AND**
32 **LEGAL SUFFICIENCY**
33
34

35
36 BY: _____
37 Laurie Cohen, Village Attorney
38