

ORDINANCE NUMBER 2017-09

AN ORDINANCE OF THE CITY OF MIDWAY OF GADSDEN COUNTY, FLORIDA APPROVING A REQUEST TO CHANGE THE ZONING CLASSIFICATION OF APPROXIMATELY 57.04 ACRES OF LAND LOCATED ON HIGH BRIDGE ROAD WITHIN THE CITY LIMITS OF MIDWAY, FL, GADSDEN COUNTY 32343 HAVING TAX PARCEL IDENTIFICATION NUMBER 4-02-1N-3W-0000-00440-0100 FROM R2 (RESIDENTIAL DISTRICT) ZONING CLASSIFICATION TO M1 (INDUSTRIAL AND WAREHOUSING DISTRICT) ZONING CLASSIFICATION: PROVIDING FOR A DEVELOPMENT AGREEMENT: PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Midway 7-10, LLC, as applicant and fee simple owner, submitted a Rezoning Application to the City of Midway requesting the adoption of this Ordinance pertaining to that certain real property being approximately 57.04 acres in size and having Gadsden County Tax Parcel Identification Number 4-02-1N-3W-0000-00440-0100, and legally described to wit (the "Property"):

OR 823 P 1003 OR 809 P 1830 OR 782 P 1447; OR 760 P 256 OR 660 P 109 OR 639 P 539: COMM AT THE NWC OF SECTION 2- 1N-3W, RUN S00*15'43"W 1137.13FT; S89*29'42"W 1276.25 FT; N79*05'53"E 54.98 FT; N67*37' 37"E 55.0 FT; N56*20'54"E 55.10 FT; N44*44'25"E 148.96 FT TO SW/LY RT/WY OF CSX RR; N44*44'42"E 199.98 FT TO NE/LYRT/WY OF CSX RR; S44*19'31"E 599.30 FT; S52*08'43"E 540.66 FT; S60*00'26"E 853.19 FT; S60*08'07"E 1672.20 FT; S36* 51'20"W 201.52 FT TO SW/LY RT/WY OF CSX RR; S60*08'15"E 1165.50 FT TO BEGIN; S39*19' 38"W 353.39 FT; N64*07'04"W 141.47 FT; S50*03'02"W 425.37 FT TO NE/LY RT/WY OF CR-268; S44*13'56"E 325.04 FT TO MOST W/LY CORNER OF LOT 1, BLK "C" OF MONROE CREEK SUBDV; S44*13'56"E 80.0 FT; N45*47'33"E 136.12 FT; S43*45'06"E 400.0 FT; S45*47'33"W 135.57 FT TO NE/LY RT/WY OF CR-268; S41*21'44"E 258.46 FT; S60*35'22"E 475.35 FT; S43*25'16"E 395.65 FT; S25*29'09"E 153.06 FT; S25*30'23"E 341.64 FT; S34*41'55"E 128.84 FT; S34*36'23"E 267.01 FT; S13*32'13"E 368.74 FT TO NE/LY BNDRY OF BLK "B", MONROE CREEK SUBDV; S30*51'12"E 174.99 FT; S34*41'51"E 60.01 FT TO MOST N/LY CORNER OF BLK "A", MONROE CREEK SUBDVS38*08'30"E 315.43 FT; S46*25'09"E 105.99 FT; S46*23'51"E 1228.66 FT; S46*45'31"E 99.17 FT; N40*40'37"E 502.39 FT TO SW/LY RT/WY OF CSX RR; N49*19'23"W 373.99 FT; S77*07'12"W 181.15 FT; N46*22'52"W 777.40 FT; N41*22'18"W 261.30 FT; N45*44'37"E 108.59 FT; N25*01'34"E 134.45 FT; N08*31'43"W 252.03 FT; N28*39'25"W 226.09 FT; N10*05'46"W 206.34 FT; N28*13'15"W 912.45 FT; N46*35'48"E 192.74 FT; N13*53'33"E 130.88 FT; N24*18'17"W 130.88 FT; N62*30'07"W 130.88 FT; S79*18'03"W 130.88 FT; S46*35'48"W 172.47 FT; N13*54'00"W 559.52 FT TO SW/LY RT/WY OF CSX RR; N59*15'55"W 59.88 FT; N60*08'15"W 889.14 FT TO POB LESS LOTS 1,6,7 & 8 BLK "C" MONROE CREEK REC'D SUBV PER PLAT BK 2 PG 102 & 103 ALSO LESS ANY PORTION OF LOTS 1-4 BLK A AND 1-6 BLK B OF MONROE CREEK REC'D SUBDIVISIONPER PLAT BK 2 P 102 & 103 LYING SOUTH OF THE FORBES PURCHASE LINE. LESS AND EXCEPT: A PORTION SPLIT OUT TO BE COMBWITH 12-1N-3W-1535-0-0001 FOR 2011 DECRIBED AS FOLLOWS: COMMENCE AT A MONUMENT MARKINGTHE NWC OF SECT 2-1N-3W, AND RUN SOUTH 00*15'43" W 1137.13 FT TO AN PIPE; THENCE RUN SOUTH 89*29'42" E 1276.25 FT TO AN PIPE; THENCE RUN NORTH 79*05'53" E 54.98 FT TO AN PIPE; THENCE RUN NORTH 67*37'37" E 55.00 FT TO AN PIPE; THENCE RUN NORTH 56*20'54" E 55.10 FT TO AN PIPE; THENCE RUN NORTH 44*44'25" E 148.96 FT TOAN PIPE LYING ON THE SW/LY R/WBOUNDARY OF THE C.S.X. RAILROADTHENCE RUN NORTH 44*44'42" E 199.98 FT TO AN ROD LYING ON THE NE/LY R/W BOUNDARY OF SAIDC.S.X. RAILROAD; THENCE ALONG SAID NE/LY E/W BOUNDARY AS FOLLOWS: SOUTH 44*19'31" E 599.30 FT TO AN ROD MARKING A POINT OF CURVE CONCAVE TO THE NE/LY; THENCE ALONG SAID CURVEWITH A RADIUS OF 1983.68 FT, THROUGH A CENTRAL ANGLE OF 15*39'53" FOR An ARC DISTANCE OF 542.34 FT (THE CHORD OF SAID ARC BEING S52*08'43" E 540.66 FT) TO AN ROD, THENCE RUN SOUTH 60*00'26" E 853.19 FT TO AN ROD; THENCE RUN SOUTH 60*08'07" E 1672.20 FT TO AN ROD; THENCE LEAVING SAIDNE/LY R/W BOUNDARY RUN SOUTH 36*51'20" W 201.52 FT TOAN ROD LYING ON THE SW/LY R/W BOUNDARY OF SAID C.S.X. RAILROAD; THENCE RUN SOUTH 60*08'15" E ALONG SAID SW/LY R/W BOUNDARY 1165.50 FT TO AN ROD, THENCE LEAVING SAIDR/W BOUNDARY RUN SOUTH 39*19'38" W 353.39 FT; THENCE RUN NORTH 64*07'04" W 141.47 FT, THENCE RUN SOUTH 50*03'02" W 425.37 FT TOA POINT LYING ON THE NE/LY R/WBOUNDARY OF CR268 (100 FT R/W)THENCE RUN SOUTH 44*13'56" E ALONG SAID NE/LY R/W BOUNDARY 325.04 FT TO A MONUMENT MARKING THE MOST W/LY CORNER OF LOT 1, BLOCK "C", MONROE CREEK, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PB 2, P 102-103 OF

THE PUBLIC RECORDS OF GADSDEN COUNTY, FL.; THENCE CONTINUE SOUTH 44*13'56" E ALONG SAID R/W BOUNDARY 80.00 FT TO AN ROD; THENCE RUN NORTH 45*47'33" E ALONG THE SE/LY BOUNDARY OF SAID LOT 1 136.12 FT TO AN ROD; THENCE RUN SOUTH 43*45'06" E ALONG THE NE/LY BOUNDARY OF LOTS 2, 3,4, AND 5 OF SAID BLOCK "C", 400.00 FT TO AN ROD, THENCE RUN SOUTH 45*47'33" W 135.57 FT TO A N ROD LYING ON THE AFORESAID NE/LY R/W BOUNDARY OF CR268, SAID ROD ALSO LYING ON A CURVE CONCAVE TO THE SW/LY; THENCE ALONG SAID R/W BOUNDARY AND ALONG SAID CURVE WITH A RADIUS OF 5779.65 FT, THROUGH A CENTRAL ANGLE OF 02*30'33", FOR AN ARC DISTANCE OF 253.10 FT, CHORD BEING SOUTH 41*49'36" E 253.08 FT TO AN ROD MARKING THE POB. FROM SAID POB CONTINUE SE/LY ALONG SAID R/W BOUNDARY AND CURVE HAVING A RADIUS OF 5779.65 FT, THROUGH A CENTRAL ANGLE OF 00*03'12", FOR AN ARC DISTANCE OF 5.38 FT, CHORD BEING SOUTH 40*32'44" E 5.38 FT TO AN ROD, THENCE LEAVING SAID R/W BOUNDARY RUN SOUTH 61*01'38" E 275.92 FT TO AN ROD, THENCE RUN NORTH 13*47'08" E 159.04 FT TO A POINT LYING ON THE S/LY BOUNDARY OF A 60.00 FT WIDE ACCESS AND UTILITY EASEMENT, THENCE RUN NW/LY AND SW/LY ALONG SAID EASEMENT THE FOLLOWING COURSES: NORTH 76*12'52" W 180.08 FT TO AN ROD MARKING A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 136.00 FT, THROUGH A CENTRAL ANGLE OF 43*35'48" FOR AN ARC DISTANCE OF 103.48 FT, CHORD BEING SOUTH 81*59'15" W 101.00 FT TO AN ROD MARKING A POINT OF COMPOUND CURVE HAVING A RADIUS OF 30.00 FT, THROUGH A CENTRAL ANGLE OF 100*45'41", FOR AN ARC DISTANCE OF 52.76 FT CHORD BEING SOUTH 09*48'30" W 46.22 FT TO THE POB. (CONTAINING 0.75 ACRES) LESS & EXCEPT 20 AC SPLIT TO PRCL 4-02-1N-3W-0-440-0200 FOR 2017 PER OR 823 P 1003 AND DESC AS FOLLOWS: COMM AT THE NWC SECT 2-1N-3W THENCE S 00*15'43" W 1137.13 FT THENCE S 89*29'42" W 1276.25 FT THENCE N 76*05'53" E 54.40 FT THENCE N 67*37'37" E 55 FT THENCE N 56*20'54" E 55.10 FT THENCE N 44*44'25" E 148.96 FT TO A PT LYING ON THE SOUTHWESTERLY ROW OF CSX RR THENCE LEAVING ROW BOUNDARY RUN N 44*44'42" E 199.98 FT LYING ON THE NORTHEASTERLY ROW BOUNDARY OF RR; THENCE RUN SOUTHEASTERLY ALONG ROW BOUNDARY THE FOLLOWING COURSES 44*19'31" E 599.30 FT TO A PT OF CURVE TO THE LEFT WITH RADIUS OF 1983.68 FT, THROUGH A CENTRAL ANGLE OF 15*39'55.4", FOR AN ARC DIST OF 542.35 FT, CHORD OF ARC BEING S 52*08'43" E 540.66 FT S 60*08'07" E 1672.20 FT THENCE LEAVING ROW BOUNDARY RUN S 36*51'20" W 201.52 FT THENCE S 60*08'15" E 1165.50 FT THENCE S 39*19'38" W 353.39 FT THENCE N 64*07'04" W 141.47 FT THENCE S 50*03'02" W 425.37 FT THENCE S 44*13'56" E 325.04 FT THENCE CONTINUE SOUTHEASTERLY ALONG SAID LINE 80 FT; THENCE N 45*47'33" E 136.12 FT THENCE S 43*45'06" E 400 FT THENCE S 45*47'33" W 135.57 FT THENCE S 41*21'44" E 258.46 FT THENCE S 60*35'22" E 475.35 FT THENCE S 43*25'16" E 395.65 FT THENCE S 25*29'09" E 153.06 FT THENCE S 25*30'23" E 341.64 FT THENCE S 34*41'55" E 128.84 FT THENCE S 34*38'36" E 267.01 FT THENCE S 13*29'41" E 259.26 FT MARKING THE POB. FROM POB RUN S 13*33'55" E 109.44 FT THENCE S 30*53'09" E 175.04 FT THENCE S 34*35'10" E 59.71 FT THENCE S 38*09'42" E 315.40 FT THENCE S 46*50'26" E 106.68 FT THENCE S 46*23'51" E 1228.26 FT THENCE S 46*51'08" E 98.85 FT THENCE N 40*38'11" E 502.68 FT THENCE N 49*21'44" W 373.99 FT THENCE S 77*08'44" W 181.10 FT THENCE N 46*26'43" W 777.27 FT THENCE N 41*17'12" W 261.20 FT THENCE N 45*44'11" E 108.52 FT THENCE N 24*58'32" E 134.38 FT THENCE N 08*33'29" W 252.13 FT THENCE N 28*41'06" W 130.09 FT THENCE S 58*32'31" W 644.21 FT TO THE POB. CONTAINING 20 ACRES MORE OR LESS.

***The legal description shown here may be condensed for assessment purposes. Exact description should be obtained from the recorded deed.**

; and

WHEREAS, the applicant is requesting that the property be rezoned from R2 (Residential District) zoning classification to M1 (Industrial and Warehousing District) zoning classification, with the property currently zoned as R2; and

WHEREAS, the Property has a Comprehensive Plan Future Land Use Map designation of R-2 Residential District; and

WHEREAS, the applicant has represented agreement with the provisions of the Development Agreement attached to the Ordinance and intent to execute the same; and

WHEREAS, this Ordinance has been advertised and noticed in accordance with the requirements of state law and Section 1.11.00 of the City of Midway Land Development Code; and

WHEREAS, the City Council acting in its capacity as the City of Midway Local Planning Agency and Governing Body has conducted the necessary public hearings on this Ordinance; and

WHEREAS, based upon competent, substantial evidence presented in the record, the Ordinance meets the requirements for rezoning pursuant to Comprehensive Plan Policy 1.1.1.12 and is consistent with the City of Midway Comprehensive Plan.

NOW, THEREFORE, IT IS HEREBY ORDAINED THEE CITY OF MIDWAY AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that the above recitals are true and correct.

SECTION 2. Rezoning. The application of Midway 7-10, LLC, for the rezoning of the Property is granted subject to the terms and conditions forth herein. The City of Midway official zoning map is hereby amended from R2 (Residential District) zoning classification to M1 (Industrial and Warehousing District) zoning classification of the Property currently zoned as R2. With respect to any conflict between the City of Midway Land Development Regulations Code, as amended, and the development agreement, the provisions of the Development Agreement shall control to the extent of the conflict. The City of Midway Land Development Regulation Code, as amended, shall govern the development of the Property with respect to any matter not addressed by the Ordinance or the Development Agreement. The City of Midway Zoning Enforcement Official will ensure overall compliance with this Ordinance of any provision of the attached Development Agreement and Master Development Plan. A violation of this Ordinance or any provision of the attached Development Agreement and Master Development Plan is considered a violation of the Land Development Regulation Code and zoning of Property.

SECTION 3. Recording. The City Clerk is hereby directed to record this ordinance and the attached Development Agreement and Master Development Plan in the Public Records of the City of Midway, Gadsden County, FL 32343. This Ordinance and attached Development Agreement and Master Development Plan affecting the Property shall run with the land and shall be applicable to and binding on the applicant and any and all successors and assigns in interest.

SECTION 4. Severability. If any portion of this Ordinance is finally determined by a court competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Ordinance shall continue in full force and effect.

SECTION 5. Conflicts. In the event of a conflict of conflicts between this Ordinance and other ordinances, this Ordinance shall control to the extent such conflict exists.

SECTION 6. Effective Date. This ordinance shall take effect immediately upon its adoption.

First reading and public hearing occurred on November 6, 2017.

Second reading and public hearing, and adoption occurred on December 7, 2017.

DULY ADOPTED at a public hearing this 7th Day of December, 2017.

Time Adopted 7:30 PM.

CITY COUNCIL
CITY OF MIDWAY, FLORIDA

Wanda Range

CITY OF MIDWAY MAYOR: WANDA J. RANGE

ATTEST:

Frances Harrell

Frances Harrell, City Clerk