

**ORDINANCE 04-07**

**AN ORDINANCE PROPOSING THE ANNEXATION OF THAT PORTION OF UNINCORPORATED COLLIER COUNTY KNOWN AS HERR'S ISLAND (KEY MARCO) AND SURROUNDING KEYS, WITH SAID LAND AREAS GENERALLY BOUNDED BY BARFIELD BAY, BLUE HILL CREEK, AND CAXAMBAS PASS, ALL LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, SAID LAND AREAS CONTAINING 965 ACRES, MORE OR LESS; PROVIDING FOR CONSENT OF NON-REGISTERED ELECTORS AS NECESSARY, PURSUANT TO FLORIDA LAW; PROVIDING FOR A REFERENDUM OF THE REGISTERED ELECTORS OF THE AREA PROPOSED FOR ANNEXATION; PROVIDING A BALLOT QUESTION; PROVIDING FOR THE PLACE WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR NOTICE OF THE REFERENDUM; AND PROVIDING AN EFFECTIVE DATE OF THE ORDINANCE AND ANNEXATION.**

**WHEREAS**, Chapter 171, Florida Statutes, regulates the annexation process for Florida municipalities and provides a method whereby a municipality may propose the annexation of an adjacent, unincorporated area; and

**WHEREAS**, the City of Marco Island desires to annex the unincorporated area adjacent to the City known as Herr's Island (Key Marco) and several surrounding keys containing approximately 965 acres of land, more or less, all of which are legally described on Exhibit "A" attached hereto; and

**WHEREAS**, an Annexation Report was prepared pursuant to Section 171.042, Florida Statutes, for the area sought for annexation. The Annexation Report was approved by City Council on April 5, 2004 through the adoption of Resolution No. 04-18, which Resolution accepted the findings contained in the Annexation Report and confirmed the area sought for annexation meets the requisite criteria for annexation under Subsection 171.043, Florida Statutes; and

**WHEREAS**, the proposed annexation is consistent with adopted policies 1.7.1 and 1.7.2 of the Intergovernmental Coordination Element of the Marco Island Comprehensive Plan; and

**WHEREAS**, pursuant to Section 171.0413, Florida Statutes, following the adoption of the ordinance of annexation by the City Council, the ordinance shall be submitted for a vote of the registered electors of the area proposed for annexation; and

**WHEREAS**, pursuant to Section 171.0413, Florida Statutes, the referendum election shall be held on August 31, 2004; and

**WHEREAS**, the City Council finds that the annexation of Horr's Island (Key Marco) and surrounding keys will be in the best interest of the City of Marco Island and its residents as well as the residents and citizens of the area proposed to be annexed and that a referendum shall be held in order to permit the registered electors of the area to decide whether they choose to be annexed into the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**Section 1.** The City Council finds that the area adjacent to the City which is located in unincorporated Collier County known as Horr's Island (Key Marco) and surrounding keys (hereinafter referred to as the "Annexation Area"), which is legally described on Exhibit "A" attached hereto, is contiguous to the City, is compact, and unincorporated, and is subject to annexation by referendum pursuant to Section 171.0413, Florida Statutes. The proposed annexation is approved subject to receipt of the necessary majority vote of approval through the referendum procedure described herein.

**Section 2.** Pursuant to Section 171.0413(5), Florida Statutes, if more than seventy percent (70%) of the land in an area proposed to be annexed is owned by individuals, corporations, or legal entities which are not registered electors of such area, such area shall not be annexed unless the owners of more than fifty percent (50%) of the land in such area consent to such annexation. The Annexation Area falls within said threshold and the requisite consent is necessary. Prior to the referendum described herein to be held on the annexation, the City shall obtain the consent from the owners of more than fifty percent (50%) of the land within the Annexation Area pursuant to the terms contained in Section 171.0413(5).

**Section 3.** The Chairwoman, City Manager and City Clerk are hereby directed to take all the steps legally required to hold a referendum election for the registered electors of the Annexation Area to determine whether said electors desire to be annexed into the City of Marco Island.

**Section 4.** At the next general election to be held on August 31, 2004, the following questions shall be placed on the ballot for consideration by the registered electors of the Annexation Area and shall read as follows:

**Title: Annexation of Horr's Island (Key Marco) and surrounding keys.**

**Question: Shall the area known as Horr's Island (Key Marco) and surrounding keys, generally bounded by Barfield Bay, Blue Hill Creek, and Caxambas Pass, be annexed into the City of Marco Island?**

**For annexation of Horr's Island (Key Marco) and surrounding keys as described in Ordinance No. 04-\_\_\_\_\_ of the City of Marco Island.**

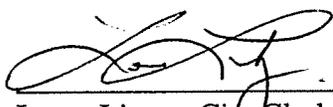
**Against annexation of Horr's Island (Key Marco) and surrounding keys as described in Ordinance No. 04-\_\_\_\_\_ of the City of Marco Island.**

- Section 5.** The registered electors entitled to vote at the referendum shall cast their votes at polling places designated by the Supervisor of Elections for Collier County, or as otherwise designated in conformance with the laws of the State of Florida.
- Section 6.** The results of such election shall be determined by a majority of the registered electors in the Annexation Area voting upon the question.
- Section 7.** If the proposed annexation is approved by a majority vote of the registered electors of the Annexation Area through the referendum, the annexation and this ordinance shall become effective on September 10, 2004.
- Section 8.** Notice of such referendum shall be published once a week for two (2) consecutive weeks immediately preceding the date of the referendum in a newspaper of general circulation in the City of Marco Island, and shall be in conformance with the requirements of Section 171.0413, Florida Statutes.

**PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THIS 7<sup>th</sup> DAY OF JUNE, 2004.**

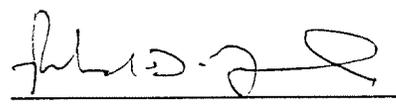
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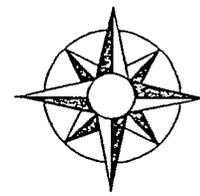
Marco Island City Council

  
\_\_\_\_\_  
Laura Litzen, City Clerk

By:   
\_\_\_\_\_  
Terri DiSciullo, Chairwoman

Approved as to form and  
Legal sufficiency:

  
\_\_\_\_\_  
Richard D. Yovanovich  
City Attorney



**DESCRIPTION**  
of Proposed Annexation Area  
for the City of Marco Island, Collier County, Florida

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All that part of Township 52 South, Range 26 East, Collier County, Florida, being more particularly described as follows:

COMMENCING at the corner common to Sections 17, 18, 19, and 20, Township 52 South, Range 26 East, Collier County, Florida;

thence run Westerly along the line common to Sections 18 and 19 to an intersection with a line which lies 2,640 feet offshore in the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island; thence run Southerly along a line which lies 2,640 feet offshore in the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island to the southerly point of Marco Island at the mouth of Caxambas Pass and the POINT OF BEGINNING of the parcel herein described;

thence run Northeasterly in the waters of Caxambas Pass to the center line of the channel of said Caxambas Pass;

thence run Easterly along the centerline of the channel of Caxambas Pass to a point intersecting a marked channel running Northerly towards Barfield Bay;

thence run Northerly along the centerline of said channel to a point 300 feet offshore in Barfield Bay from the Mean High Tide Line of the Easterly end of lands formerly known as J. M. Barfield Subdivision;

thence run Northerly, Easterly, and Southerly 300 feet offshore in Barfield Bay from the Mean High Tide Line of Marco Island to the intersection with the centerline of Blue Hill Creek;

thence run Southeasterly along the centerline of Blue Hill Creek to a point 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island;

thence continue Northerly, Easterly, and Southerly 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island to the centerline of aforementioned Blue Hill Creek;

thence run Northeasterly along the centerline of Blue Hill Creek to a point intersecting the line common to Range 26 East and Range 27 East, Township 52 South, Collier County, Florida;

thence run Southerly along the line common to said Range 26 East and Range 27 East to a line defined by the following two pairs of coordinates: N=571301.20 E=443476.15 and N=570492.74 E=441254.92;

thence run along said line S.70°00'00"W. to the Mean High Tide Line of Ramsey Key;

thence run southwesterly along said Mean High Tide Line of Ramsey Key to a line defined by the following two pairs of coordinates: N=569786.12 E=439722.64 and N=569346.13 E=439159.48;

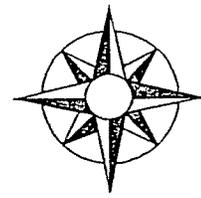
thence run along said line S.52°00'00"W. to the Mean High Tide Line of Helen Key;

thence run Westerly and Southwesterly along said Mean High Tide Line of Helen Key to a line defined by the following two pairs of coordinates: N=568234.97 E=434316.36 and N=568623.84 E=432865.08;

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# E.F. Gaines Surveying Services, Inc.



thence run along said line N.75°00'00"W. to the Mean High Tide Line of Fred Key;  
thence run Northwesterly and Westerly along said Mean High Tide Line of Fred Key to a line defined by the following two pairs of coordinates: N=569403.31 E=428843.50 and N=569403.31 E=427323.02;  
thence run along said line N.90°00'00"W. to the Mean High Tide Line of Curry Island;  
thence run Northwesterly along said Mean High Tide Line of Curry Island to a line defined by the following two pairs of coordinates: N=570231.46 E=425376.10 and N=570531.67 E=424255.68;  
thence run along said line N.75°00'00"W. to the Mean High Tide Line of Allen Key;  
thence run Northwesterly and Westerly along said Mean High Tide Line of Allen Key to a line defined by the following two pairs of coordinates: N=570787.53 E=422263.74 and N=570787.53 E=420743.25;  
thence run along said line N.90°00'00"W. to the Mean High Tide Line of Kice Island;  
thence run Northwesterly, Westerly and Southeasterly along said Mean High Tide Line of Kice Island to an intersection with a line which lies 2,640 feet offshore in Caxambas Pass and the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island;  
thence run Westerly and Northwesterly along a line which lies 2,640 feet offshore in Caxambas Pass and the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island to the POINT OF BEGINNING of the Parcel herein described;

Bearings and coordinates are based on the State Plane Coordinate System, Florida East Zone, North American Datum of 1983, NGS adjustment of 1990.

Prepared By:

E.F. Gaines Surveying Services, Inc.

Handwritten signature of Elizabeth F. Gaines in cursive script.

Elizabeth F. Gaines, PSM Florida License No. 4576

5/21/04

Date

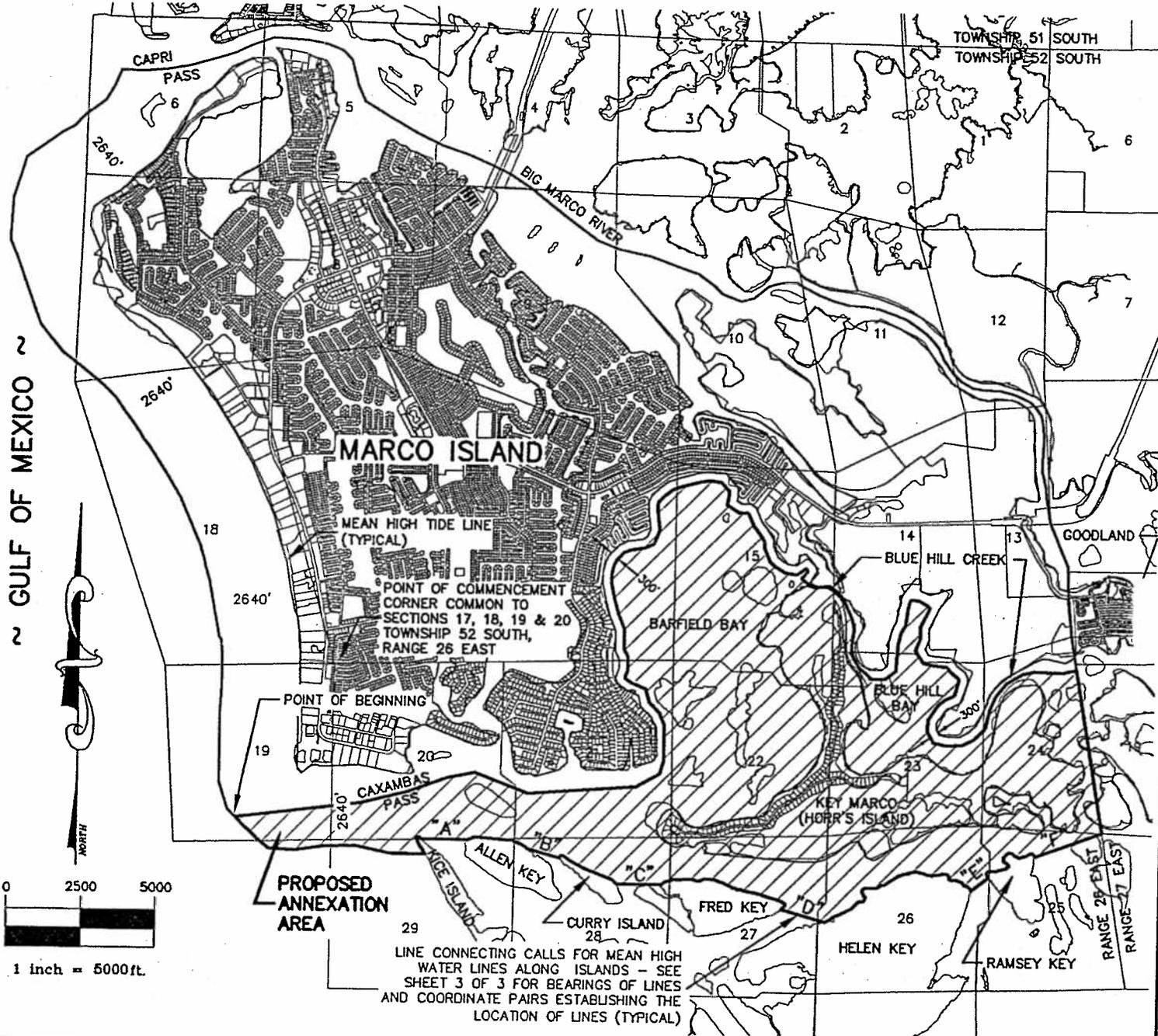
E.F. Gaines Surveying Services Drawing No. 082-1071-001  
Sheet 1 of 3 (see Sheet 2 of 3 and Sheet 3 of 3 for sketch of description)

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# SKETCH TO ACCOMPANY LEGAL DESCRIPTION OF PROPOSED ANNEXATION AREA FOR MARCO ISLAND

1. PARCEL LINES, SHORELINES AND SECTION LINES SHOWN HEREON WERE PROVIDED BY THE CITY OF MARCO ISLAND AND ARE PURPORTED TO BE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE (COORDINATES SHOWN HEREON WERE DERIVED FROM SAID GRAPHICS).
2. NO FIELD SURVEYING WAS PERFORMED FOR THE PREPARATION OF THIS SKETCH OR THE ACCOMPANYING LEGAL DESCRIPTION.
3. COORDINATES SHOWN HEREON ARE IN U.S. SURVEY FEET.



*Elizabeth F. Gaines*  
 ELIZABETH F. GAINES, P.S.M. FLORIDA LICENSE NO. 4576

5/21/04  
 DATE SIGNED

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE ABOVE NAMED SURVEYOR AND MAPPER.

**E. F. GAINES SURVEYING SERVICES, INC.**  
 8481 Yorkshire Lane  
 Fort Myers, Florida 33919  
 Phone: 239-418-0126 Fax: 239-418-0127  
 www.EFGaines.com

CLIENT: CITY OF MARCO ISLAND	REVISIONS/DATE:
DATE OF FIELD WORK: N/A	
SCALE: 1" = 5000'	
PROJECT NUMBER: 0102-1071	
DRAWING FILE: 0182-1071-001.DWG	SHEET 2 OF 3

**LINE DATA TABLE FOR  
SKETCH OF LEGAL DESCRIPTION  
OF PROPOSED ANNEXATION AREA FOR MARCO ISLAND**  
(SEE SHEET 2 OF 3 FOR SKETCH OF LINE LOCATIONS)

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983, NGS ADJUSTMENT OF 1990.
2. COORDINATES SHOWN HEREON ARE IN U.S. SURVEY FEET.

LINE	BEARING	NORTHING(1)	EASTING(1)	NORTHING(2)	EASTING(2)
"A"	N.90°00'00"W.	570787.53	422263.74	570787.53	420743.25
"B"	N.75°00'00"W.	570231.46	425376.10	570531.67	424255.68
"C"	N.90°00'00"W.	569403.31	428843.50	569403.31	427323.02
"D"	N.75°00'00"W.	568234.97	434316.36	568623.84	432865.08
"E"	S.52°00'00"W.	569786.12	439722.64	569346.13	439159.48
"F"	S.70°00'00"W.	571301.20	443476.15	570492.74	441254.92

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CLIENT: CITY OF MARCO ISLAND

DATE OF FIELD WORK: N/A

SCALE: N/A

PROJECT NUMBER: 0102-1071

DRAWING FILE: 0182-1071-001.DWG

REVISIONS/DATE:

SHEET 3 OF 3