



# CITY OF MIDWAY

50 MARTIN LUTHER KING BOULEVARD • P.O. BOX 438 • MIDWAY, FL 32943 • (850) 574-2355 • FAX: (850) 574-0633 • WWW.MYMIDWAYFL.COM

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**SUBJECT:** Truckers USA and Community Coffee Voluntary Annexations  
**FROM:** Willie Brown, Principal Planner  
**TO:** Robert Presnell, County Administrator  
**THROUGH:** Dorothy Inman-Johnson, City Manager  
**CC:** Allara Gutcher, Director  
**DATE:** August 13, 2014

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This memo and its attachments serve as written notice to Gadsden County as required by Florida Statutes, 171.044, regarding Voluntary Annexations. Truckers USA and Community Coffee have petitioned to be annexed into the Midway Corporate Limits. Both properties are located in Midway 10/90 Commerce Park at 914 and 1194 Commerce Boulevard. A public hearing on the annexation requests has been scheduled for Thursday, September 4, 2014. If there are further questions, please contact Midway City Manager, Dorothy Inman-Johnson.

**RECEIVED**

AUG 14 2014

COUNTY ADMINISTRATOR'S  
OFFICE

**ANNEXATION REPORT**  
**ON**  
**COMMUNITY COFFEE COMPANY LLC**  
**VOLUNTARY ANNEXATION REQUEST**  
**914 COMMERCE BOULEVARD**  
**MIDWAY, FLORIDA**

Prepared for:

The Midway City Council

For Filing with:

The Gadsden County Board of County Commissioners

Dated: August 2014

### PETITION FOR VOLUNTARY ANNEXATION

I, the undersigned, David Belanger, in my capacity as President and C.E.O. of Community Coffee Company, L.L.C., which is the property owner of 914 Commerce Boulevard on Parcel 4-10-1N-2W-1514-0000C-0390, do hereby request a Voluntary Annexation by the City of Midway, Florida, of real property in the Unincorporated Area of Gadsden County, Florida, owned by Community Coffee Company, L.L.C. and more particularly described on Exhibit "A" attached, pursuant to Section 171.044, Florida Statutes.

Dated this 12<sup>th</sup> day of August 2014.

Property Owner: Community Coffee Company, L.L.C.

By: David Belanger  
David Belanger, President and C.E.O.

August 12, 2014  
Date

Date: August 12, 2014

ATTEST: Barbara S. Griffiths  
NOTARY

**BARBARA S. GRIFFITHS**  
**NOTARY PUBLIC NO. 64325**  
**STATE OF LOUISIANA**  
**PARISH OF EAST BATON ROUGE**  
**My Commission is for Life**

**THIS DOCUMENT NOT  
PREPARED BY  
THE UNDERSIGNED NOTARY  
ATTESTING TO SIGNATURES ONLY**

Midway Council Agenda

September 4, 2014

# STAFF REPORT

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**Annexation Overview:** The subject property, owned by Truckers USA Enterprise Inc., is located at 914 Commerce Boulevard in Section 10, Township 1N, Range 2W, of Unincorporated Gadsden County, on Parcel# 4-10-1N-2W-1514-0000C-0390.

**FLORIDA STATUTES, Chapter 171, Part 1, Municipal Annexations**

*Section 171.044 Voluntary Annexation (1).* The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

**Finding 1:** The subject property is located in unincorporated Gadsden County and is contiguous to the Corporate Limits of the City of Midway on both its north, south, and west sides.

*Section 171.044 (2A) Voluntary Annexation.* Upon Determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to adopt a nonemergency ordinance to annex said property.

**Finding 2:** See Attachment Number #1 for Petition of Voluntary Annexation dated \_\_\_\_\_, 2014 with the signature David Belanger shown as Property Owner and said signature attested by Notary Kimberly Matthews.

*Section 171.044 (2B) Voluntary Annexation.* Said Ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said town, then in a newspaper published in the same county;

**Finding 3:** See Attachment Number #2 for Advertisement Notice of Intent to Consider Enactment of an Annexation Ordinance and see Attachment Number #3 for Proposed Annexation Ordinance.

**LAND USE AND ZONING:** The land use designation of the property in the unincorporated county is **Industrial**. The existing use of the property is an **Office Building** according to the Gadsden County Property Appraiser. Upon approval of the annexation by the Midway City Council, land use and zoning should be considered at a formal hearing by the Midway Planning Commission.

**MUNICIPAL SERVICES:** Fire and police protection is presently being provided by the City of Midway. Sanitary sewer gravity lines owned by Talquin Cooperative LLC provide service to the

customers of the industrial park. Commerce Boulevard is maintained by Gadsden County Public Works, and Ad Valorem taxes are collected by Gadsden County. Please see attached letter from Midway City Manager, Dorothy Inman Johnson.

**Staff Recommendation:** Staff recommends this property be annexed to the city based upon the following findings:

- Annexation of the property will not create an enclave;
- The property is contiguous to the Midway Corporate limits on its north, south, and west sides;
- The annexation was properly advertised for 2 consecutive weeks in a newspaper of general circulation within the county;
- Land Use and Zoning proposals of the property be forwarded to the Midway Planning Commission to consider the following:
  - Proposal of an Industrial Land Use designation; and
  - Proposal of Commercial Interchange Zoning designation.

Willie Brown  
Principal Planner

September 4, 2014  
Date

**Attachments:**

1. Petition of Voluntary Annexation
  2. News Ad/Notice of Intent
  3. Map of Land Use Amendment Proposal
  4. Legal Description
  5. Photo of Community Coffee Site
  6. Proposed Annexation Ordinance #2014-06
  7. Municipal Services Letter from Dorothy Inman Johnson
-

## NOTICE OF INTENT TO CONSIDER ENACTMENT OF AN ANNEXATION ORDINANCE

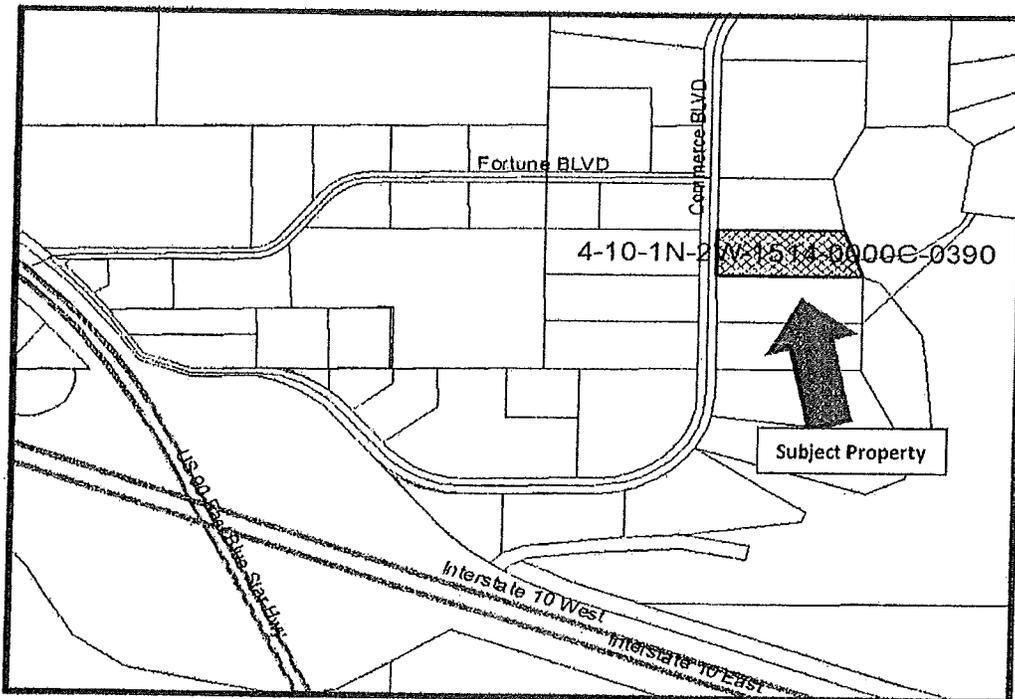
Notice is hereby given to all concerned that the City Council of the City of Midway, Florida, intends, at a meeting in the Council Chambers of Midway City Hall at 50 Martin Luther King Jr. Boulevard, Midway, Florida 32343, at 7:00PM on the 4<sup>th</sup> day of September 2014, to hear a 1<sup>st</sup> Reading to consider the enactment of the following proposed ordinance entitled:

AN ORDINANCE ANNEXING TO THE CITY OF MIDWAY, FLORIDA BY VOLUNTARY ANNEXATION, PURSUANT TO SECTION 171.044, FLORIDA STATUTES, REAL PROPERTY IN SECTION 10, TOWNSHIP 1N, RANGE 2W, IN THE UNINCORPORATED AREA OF GADSDEN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS 914 COMMERCE BOULEVARD ON PARCEL 4-10-1N-2W-1514-0000C-0390, PROVIDING FOR CODIFICATION AND THE FILING OF SAME WITH THE CLERK OF THE CIRCUIT COURT OF GADSDEN COUNTY, FLORIDA, THE COUNTY ADMINISTRATOR OF GADSDEN COUNTY, FLORIDA, AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

Such ordinance may be inspected by the public at Midway City Hall in the office of the City Manager. The complete legal description by the metes and bounds (Attachments 1 and 2) can be obtained from the City Clerk.

Interested parties may appear at the meeting and be heard with respect to proposed Ordinance #2014-06.

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, said person will need a record of the proceedings, and for such purpose, said person may need to insure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

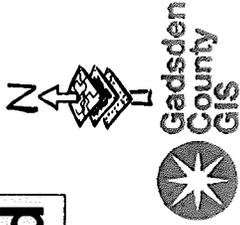


This 7<sup>th</sup> day of August 2014.

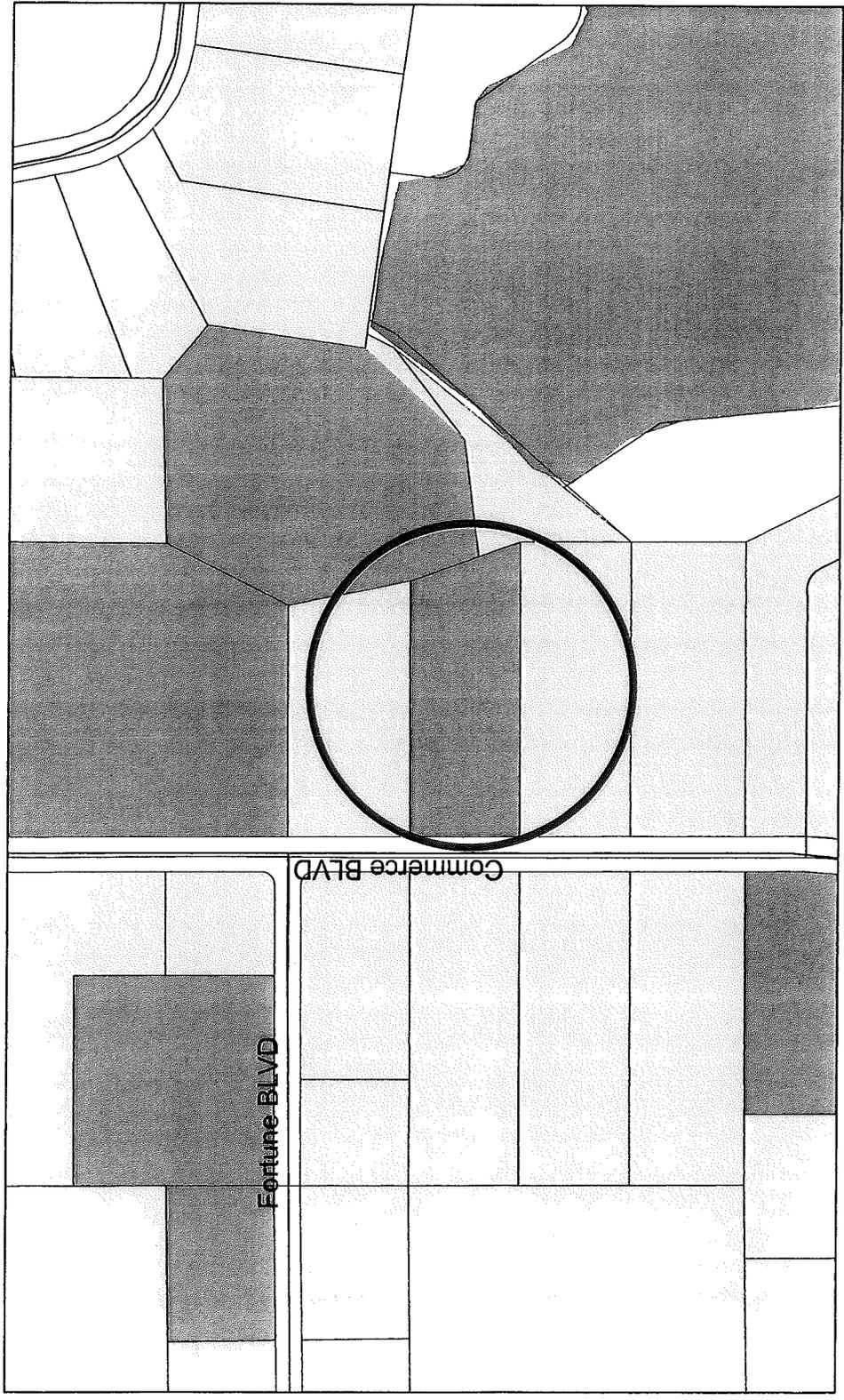
Frances Harrell  
City Clerk, City of Midway

Publish: August 14, 2014 and August 21, 2014

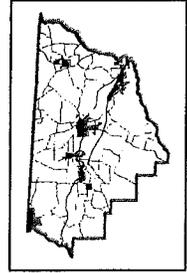
# GADSDEN COUNTY MAP - 914 Commerce Boulevard



Legend	
	FUTURE LAND USE
	AGRICULTURE 1
	AGRICULTURE 2
	AGRICULTURE 3
	COMMERCIAL
	CONSERVATION
	EASEMENT
	HEAVY INDUSTRIAL
	LIGHT INDUSTRIAL
	ROW
	RURAL RESIDENTIAL
	SILVICULTURE
	URBAN SERVICE AREA
	HISTORICAL
	LAKE
	MINING
	MUNICIPAL
	PUBLIC
	RECREATIONAL



The information shown on the map is from the best available data at the time. Gadsden County assumes no responsibility for any errors or inaccuracies shown on the map.



OFFICIAL RECORDS 060009651  
BK 645 PG 1087

FILE # 060009651 RCD:07/27/2006 @ 3:11 PM  
Nicholas Thomas, Clerk Circuit Court Gadsden Co

Record Fee: 10.00  
DOC STAMPS 6965.00

This Instrument Prepared by & return to:  
Name: W. Crit Smith, Esq.  
Susan S. Thompson, Esq.  
Frank S. Shaw, III, Esq.  
Daniel E. Manausa, Esq.  
Smith, Thompson, Shaw & Manausa, P.A.  
Address: Fourth Floor, 3520 Thomasville Rd.  
Tallahassee, Fl. 32309  
20062890JKG  
Parcel I.D. #: 4-10-1N-2W-1514-0000C-0390

SPACE ABOVE THIS LINE FOR PROCESSING DATA SPACE ABOVE THIS LINE FOR RECORDING DATA

**THIS WARRANTY DEED** Made the 27th day of July, A.D. 2006, by **TERRY BARINEAU** and **SYLVIA BARINEAU, HUSBAND AND WIFE**, hereinafter called the grantors, to **COMMUNITY COFFEE COMPANY, L.L.C.**, a Foreign Limited Liability Company, having its principal place of business at **3332-A PARTRIDGE LANE, BATON ROUGE, LA 70809**, hereinafter called the grantee:

(Wherever used herein the terms "grantors" and "grantee" include all the parties to this instrument, singular and plural, and the heirs, legal representatives and assigns of individual, and the successors and assigns of corporations.)

**Witnesseth:** That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alienate, remise, release, convey and confirm unto the grantee all that certain land situate in Gadsden County, State of Florida, viz:

LOT 39, BLOCK "C" of GADSDEN 1090 COMMERCE PARK, PHASE I, A SUBDIVISION AS PER MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 73-74 OF GADSDEN COUNTY, FLORIDA.

Subject to taxes for the year 2006 and subsequent years, restrictions, reservations, covenants and easements of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold the same in fee simple forever.

And the grantors hereby covenant with said grantee that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

In Witness Whereof, the said grantors have signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

J. Kay Gluesenkamp  
Witness Signature

J. KAY GLUESENKAMP  
Printed Name

Gloria Weaver  
Witness Signature

Gloria Weaver  
Printed Name

Terry Barineau I.S.

TERRY BARINEAU  
Address:  
180 ROZENA LOOP, HAVANA, FL 32333

Sylvia Barineau I.S.

SYLVIA BARINEAU  
Address:  
180 ROZENA LOOP, HAVANA, FL 32333

State of Florida  
County of Leon

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared TERRY BARINEAU and SYLVIA BARINEAU, HUSBAND AND WIFE, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and that I relied upon the following forms of identification of the above-named persons: personally known

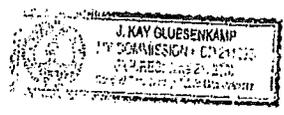
and that an oath was not taken.

Witness my hand and official seal in the County and State last aforesaid this 27th day of July, A.D. 2006.

Notary Public Rubber Stamp Seal

J. Kay Gluesenkamp  
Notary Signature

J. KAY GLUESENKAMP  
Printed Notary Signature



ADSDEN 10/90 COMMERCE PARK, PHASE I

A SUBDIVISION OF THE SOUTHEAST QUARTER SECTION 15, TOWNSHIP 1 NORTH, RANGE 2 WEST, GADSDEN COUNTY, FLORIDA

LOT #	BLOCK	NAME	DATE	SIGNATURE (IF NEEDED)
LOT 1/2	BLOCK 'C'	SMITH LAND & IMPROVEMENT CORPORATION		
LOT 2	BLOCK 'C'	ROBERT L. & SWANSON M. ALLEN		
LOT 3	BLOCK 'C'	CATHAMADY APPLIED TECHNOLOGIES, INC.		
LOT 4	BLOCK 'C'	PRECASUS BROADCAST TECHNOLOGIES, INC.		
LOT 5	BLOCK 'C'	D.C. & GARDEN K. SMITH PARTNERSHIP, LTD.		
LOT 6	BLOCK 'C'	EDDY & STOKA BARRAGAN		
LOT 7	BLOCK 'C'	HEBERT M. & BRENDA K. ARD		

**FINAL PLAT REVIEW APPROVAL:**  
 This plat conforms to the provisions of the approved provisions made by the GadSDen County Planning and Zoning Commission on this 5 day of AUGUST, A.D. 1998.

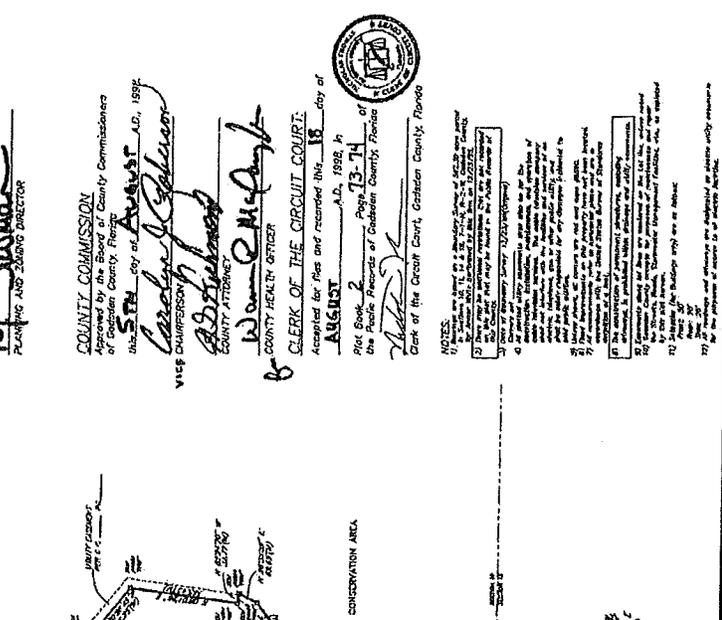
*Jerry Kern*  
 CLERK

*M. Swann*  
 COUNTY ENGINEER  
 PLANNING AND ZONING DIRECTOR

*W. McLaughlin*  
 COUNTY ATTORNEY

*W. McLaughlin*  
 COUNTY HEALTH OFFICER

*W. McLaughlin*  
 CLERK OF THE CIRCUIT COURT



**NOTES:**

- The plat is subject to the provisions of the Florida Statutes, Chapter 218, and the rules of the Florida Board of Professional Engineers and Professional Land Surveyors.
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**A. D. PLATT & ASSOC., INC.**  
 BOUNDARY TOPOGRAPHIC SUBDIVISIONS  
 2747 Conoverdale Hwy.  
 Orlando, Florida 32817  
 (407) 851-1111

DATE OF SURVEY	DATE OF PLAT
11/19/98	11/19/98
11/19/98	11/19/98
11/19/98	11/19/98
11/19/98	11/19/98
11/19/98	11/19/98
11/19/98	11/19/98
11/19/98	11/19/98
11/19/98	11/19/98
11/19/98	11/19/98

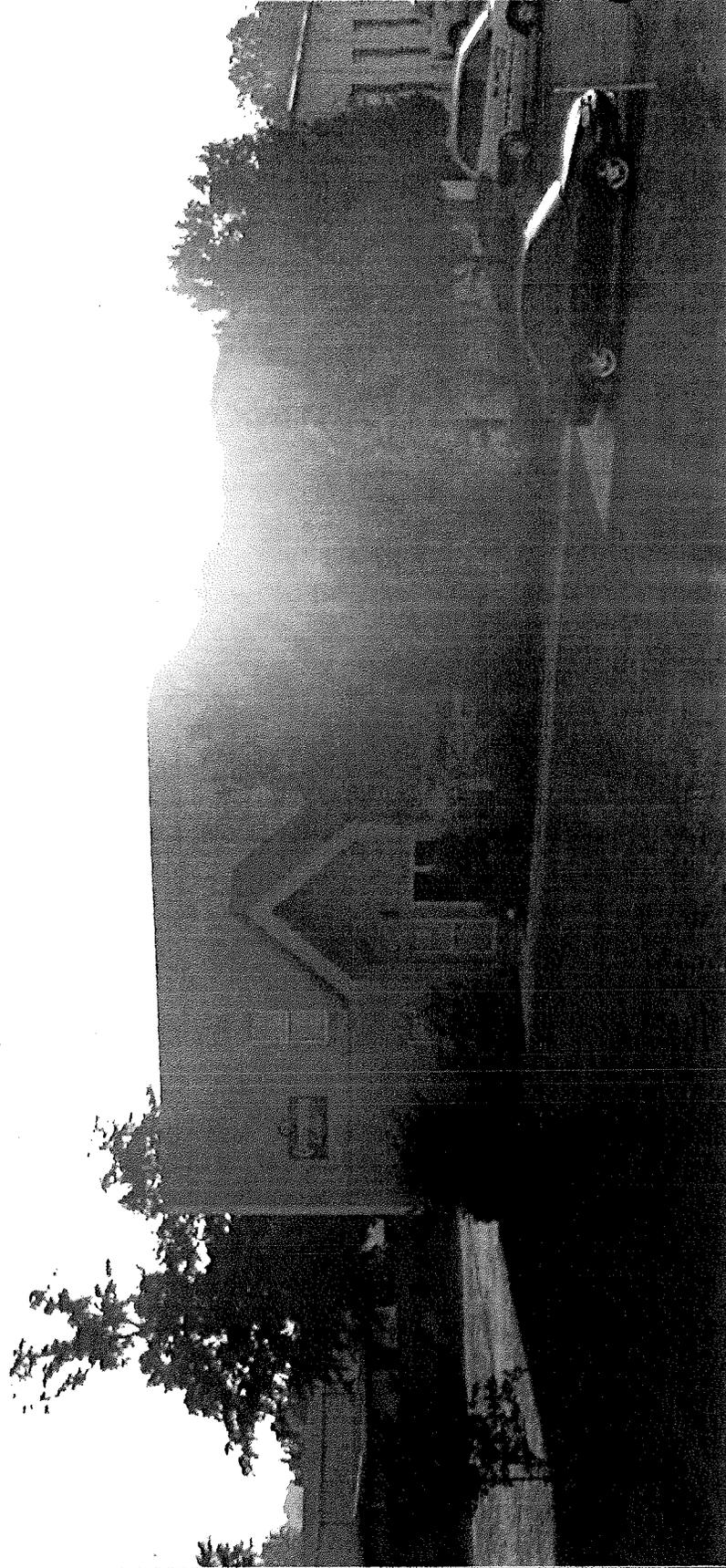
# Community Coffee LLC Site

1225-1343 Commerce Blvd  
Midway, FL 32343 - approximate address  
Commerce Blvd  
Street View - May 2011



# Community Coffee LLC Site

914 Commerce Blvd  
Midway, FL 32243  
Commerce Blvd  
Street View - May 2011



**ORDINANCE NUMBER 2014-6**

AN ORDINANCE ANNEXING TO THE CITY OF MIDWAY, FLORIDA BY VOLUNTARY ANNEXATION, PURSUANT TO SECTION 171.044, FLORIDA STATUTES, REAL PROPERTY IN SECTION 10, TOWNSHIP 1N, RANGE 2W, IN THE UNINCORPORATED AREA OF GADSDEN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS 914 COMMERCE BOULEVARD ON PARCEL 4-10-1N-2W-1514-0000C-0390, KNOWN AS THE COMMUNITY COFFEE LLC VOLUNTARY ANNEXATION; PROVIDING FOR CODIFICATION AND THE FILING OF SAME WITH THE CLERK OF THE CIRCUIT COURT OF GADSDEN COUNTY, FLORIDA, THE COUNTY ADMINISTRATOR OF GADSDEN COUNTY, FLORIDA, AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owners of real property at 914 Commerce Boulevard on Parcel 4-10-1N-2W-1514-0000C-0390 as shown in Attachment 1 and 2 in Section 10, Township 1N, Range 2W the Unincorporated Area of Gadsden County Florida which is contiguous to the City of Midway, Florida, and reasonably compact, therewith have petitioned the governing body of said City to have said property annexed to the municipality as shown on Attachment 3 attached; and,

**WHEREAS**, the governing body of the City of Midway has made a determination that the petition bears the signature of the owners of the real property in the area proposed to be annexed; and,

**WHEREAS**, the governing body of the City of Midway has further determined that such annexation will not result in the creation of an enclave; and,

**WHEREAS**, since the owner of property to be annexed has voluntarily petitioned the City of Midway for such annexation and agreed to the same, a referendum is not required in order to complete such annexation pursuant to the provisions of Florida law; and,

**WHEREAS**, notice of this voluntary annexation by Ordinance has been published once a week for 2 consecutive weeks in a newspaper of general circulation in the City of Midway, which notice has given the Ordinance Number and a description of the area proposed to be annexed, including a map clearly showing the area to be annexed, and a statement that the complete Ordinance can be obtained from the City Clerk of the City of Midway,

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDWAY, FLORIDA:**

**SECTION 1. DESCRIPTION OF PROPERTY TO BE ANNEXED:**

That the City of Midway, Florida does hereby annex to the City by voluntary annexation pursuant to the provisions of Section 171.044, Florida Statutes, the following described real property situate, lying and being in Gadsden County, Florida, to wit:-

Description attached hereto and made a part hereof and marked Attachment "1". And the boundary lines of the City of midway are here by redefined accordingly.

**SECTION 2. EFFECT OF ANNEXATION.**

That the above described area hereby annexed to the City of Midway, Florida shall be subject to all laws, ordinances, and regulations in force in the City of Midway, Florida, and shall be entitled to the same privileges and benefits as other parts of this municipality upon the effective date of this annexation as hereinafter provided.

**SECTION 3. CODIFICATION AND FILING:**

It is the intent of the City of Council of the City of Midway that this Ordinance be made a part of the Code of Ordinances of the City of Midway, Florida and be codified for inclusion therein, and that this Ordinance be filed with the Clerk of the Circuit Court of Gadsden County, Florida, the County Administrator of Gadsden County, Florida, and the Department of State of the State of Florida.

**SECTION 4. EFFECTIVE DATE:**

This Ordinance shall take effect on September 4, 2014

INTRODUCED in open session to the Midway Council of the City of Midway on the 4<sup>th</sup> day of September 2014.

ADOPTED AND PASSED on the second and final reading in open session at the City Council of the City of Midway, Florida, on the 4<sup>th</sup> day of September 2014

\_\_\_\_\_

Date: \_\_\_\_\_

DAVID KNIGHT, MAYOR

Date: \_\_\_\_\_

**ATTEST:**

**Approved as to form and sufficiency:**

\_\_\_\_\_

\_\_\_\_\_

Frances Harrell, City Clerk

CITY ATTORNEY

**ATTACHMENTS:**

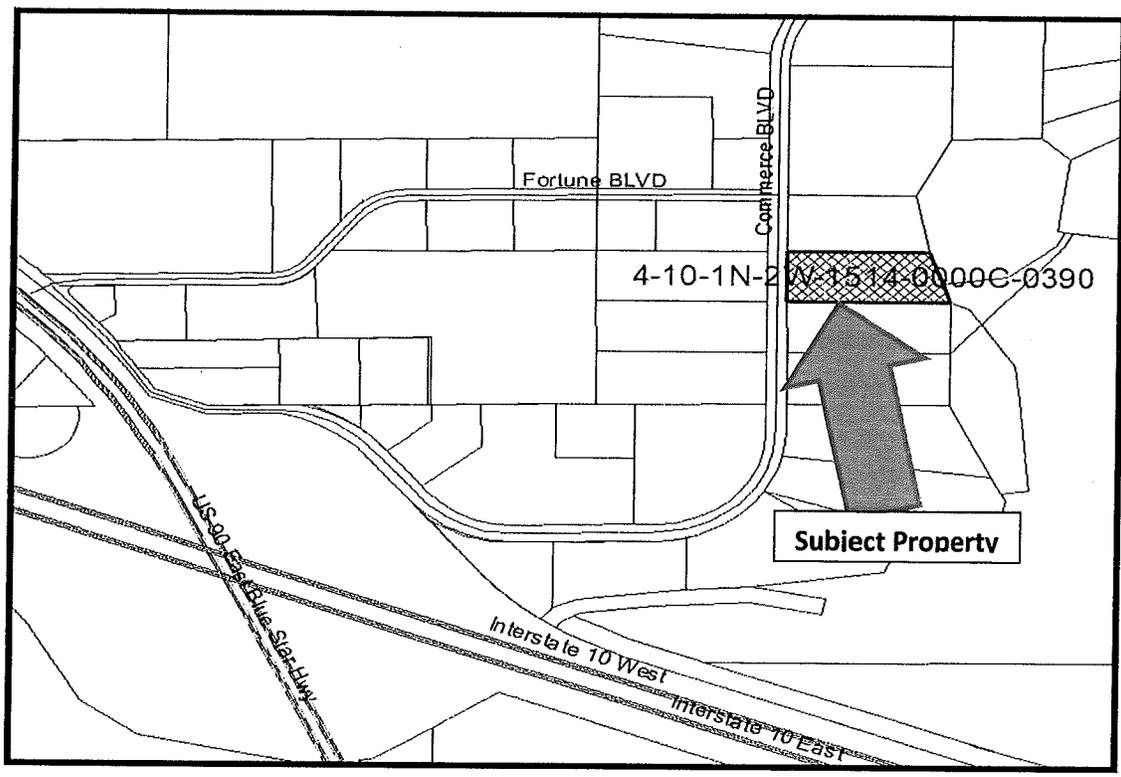
- 1. Legal Description
- 2. Vicinity Map
- 3. Voluntary Petition (signed by owner)

**LEGAL DESCRIPTION**

Lot 39, Block C, Gadsden 10/90 Commerce Park, Phase I, as per map or plat thereof as recorded in Plat Book 2, pages 73 and 74, of the Public Records of Gadsden County, Florida.

# VICINITY MAP

(914 Commerce Boulevard)



### PETITION FOR VOLUNTARY ANNEXATION

I, the undersigned, David Belanger, in my capacity as President and C.E.O. of Community Coffee Company, L.L.C., which is the property owner of 914 Commerce Boulevard on Parcel 4-10-1N-2W-1514-0000C-0390, do hereby request a Voluntary Annexation by the City of Midway, Florida, of real property in the Unincorporated Area of Gadsden County, Florida, owned by Community Coffee Company, L.L.C. and more particularly described on Exhibit "A" attached, pursuant to Section 171.044, Florida Statutes.

Dated this 12<sup>th</sup> day of August 2014.

Property Owner: Community Coffee Company, L.L.C.

By: David Belanger  
David Belanger, President and C.E.O.

August 12, 2014  
Date

Date: August 12, 2014

ATTEST: Barbara S. Griffiths  
NOTARY

**BARBARA S. GRIFFITHS**  
NOTARY PUBLIC NO. 64325  
STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE  
My Commission is for Life

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PREPARED BY  
THE UNDERSIGNED NOTARY  
ATTESTING TO SIGNATURES ONLY**



# CITY OF MIDWAY

50 MARTIN LUTHER KING BOULEVARD • P.O. BOX 438 • MIDWAY, FL 32343 • (850) 574-2355 • FAX: (850) 574-0633 • WWW.MYMIDWAYFL.COM

June 2, 2014

COMMUNITY COFFEE COMPANY LLC

3332-A PARTRIDGE LN.  
BATON ROUGE, LA 70809

**RE: Voluntary Annexation**

Dear Business Owner:

It has come to my attention that though your business is located at (914 COMMERCE BLVD, Parcel # 4-10-1N-2W-1514-0000C-0390) within the incorporated limits of the City of Midway, it is not annexed into the City of Midway. Therefore, residents of Midway have been subsidizing City services you receive, such as public safety through the Midway Police Department; though your business pays no taxes for those services.

We are happy that you chose to locate your business in Midway and move our community toward positive growth and jobs. We consider your business an asset to our community.

However, in Midway where the poverty rate is approaching 31%\_ one of the highest in the state\_ the City cannot continue to provide services to businesses that are not annexed and do not contribute to the tax base required to support City services. Further, most of your neighboring businesses have already annexed and are paying their fair share for services.

We have, therefore, attached a **voluntary annexation application, temporarily waived the \$1500 application fee, and we invite you to take this opportunity to annex into the City of Midway.** The fee waiver will only be in effect through June 30, 2014. I hope you will accept our invitation.

Thank you for your contributions to our community. We want you to formally join the family of Midway. Please feel free to contact me at (850) 574-2355, if you have questions.

Sincerely,

Dorothy Inman-Johnson

City Manager

**ANNEXATION REPORT**  
**ON**  
**TRUCKERS USA ENTERPRISES INC.**  
**VOLUNTARY ANNEXATION REQUEST**  
**1174 COMMERCE BOULEVARD**  
**MIDWAY, FLORIDA**

Prepared for:

The Midway City Council

For Filing with:

The Gadsden County Board of County Commissioners

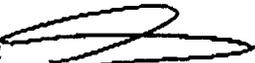
Dated: August 2014

## PETITION FOR VOLUNTARY ANNEXATION

I, the undersigned, Scott D. Robinson, as property owner of 1174 Commerce Boulevard on Parcel 4-10-1N-2W-1514-0000C-0350, do hereby request a Voluntary Annexation by the City of Midway, Florida, of real property in the Unincorporated Area of Gadsden County, Florida, owned by the undersigned as myself, and more particularly described on Exhibit "A" attached, pursuant to Section 171.044, Florida Statutes.

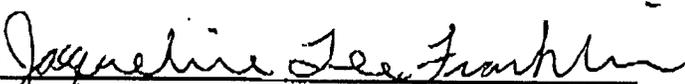
Dated this 11 day of August, 2014.

MAILED  
8-13-14  
JWF

PROPERTY OWNER: 

Scott D. Robinson

Date: 8/11/14

ATTEST: 

NOTARY



JACQUELINE LEE FRANKLIN  
MY COMMISSION # EE 875943  
EXPIRES: May 21, 2017  
Bounded Thru Budget Notary Services

Midway Council Agenda

September 4, 2014

# STAFF REPORT

---

**Annexation Overview:** The subject property, owned by Truckers USA Enterprise Inc., is located at 1174 Commerce Boulevard in Section 10, Township 1N, Range 2W, of Unincorporated Gadsden County, on Parcel# 4-10-1N-2W-1514-0000C-0350.

**FLORIDA STATUTES, Chapter 171, Part 1, Municipal Annexations**

*Section 171.044 Voluntary Annexation (1). The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.*

**Finding 1:** The subject property is located in unincorporated Gadsden County and is contiguous to the Corporate Limits of the City of Midway on both its east and west side.

*Section 171.044 (2A) Voluntary Annexation. Upon Determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to adopt a nonemergency ordinance to annex said property.*

**Finding 2:** See Attachment Number #1 for Petition of Voluntary Annexation dated \_\_\_\_\_, 2014 with the signature Scott D. Russell shown as Property Owner and said signature attested by Notary Kimberly Matthews.

*Section 171.044 (2B) Voluntary Annexation. Said Ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said town, then in a newspaper published in the same county;*

**Finding 3:** See Attachment Number #2 for Advertisement Notice of Intent to Consider Enactment of an Annexation Ordinance and see Attachment Number #3 for Proposed Annexation Ordinance.

**LAND USE AND ZONING:** The land use designation of the property in the unincorporated county is **Industrial**. The existing use of the property is a **Truck Repair Service** according to the Gadsden County Property Appraiser. Upon approval of the annexation by the Midway City Council, land use and zoning should be considered at a formal hearing by the Midway Planning Commission.

**MUNICIPAL SERVICES:** Fire and police protection is presently being provided by the City of Midway. Sanitary sewer gravity lines owned by Talquin Cooperative LLC provide service to the

customers of the industrial park. Commerce Boulevard is maintained by Gadsden County Public Works, and Ad Valorem taxes are collected by Gadsden County. Please see attached letter from Midway City Manager, Dorothy Inman Johnson.

**Staff Recommendation:** Staff recommends this property be annexed to the city based upon the following findings:

- Annexation of the property will not create an enclave;
- The property is contiguous to the Midway Corporate limits on its east and west sides;
- The annexation was properly advertised for 2 consecutive weeks in a newspaper of general circulation within the county;
- Land Use and Zoning proposals of the property be forwarded to the Midway Planning Commission to consider the following:
  - Proposal of an Industrial Land Use designation; and
  - Proposal of Commercial Interchange Zoning designation.

Willie Brown  
Principal Planner

September 4, 2014  
Date

**Attachments:**

1. Petition of Voluntary Annexation
  2. News Ad/Notice of Intent
  3. Map of Land Use Amendment Proposal
  4. Legal Description
  5. Photo of Truckers USA Site
  6. Proposed Annexation Ordinance #2014-07
  7. Municipal Services Letter from Dorothy Inman Johnson
-

## NOTICE OF INTENT TO CONSIDER ENACTMENT OF AN ANNEXATION ORDINANCE

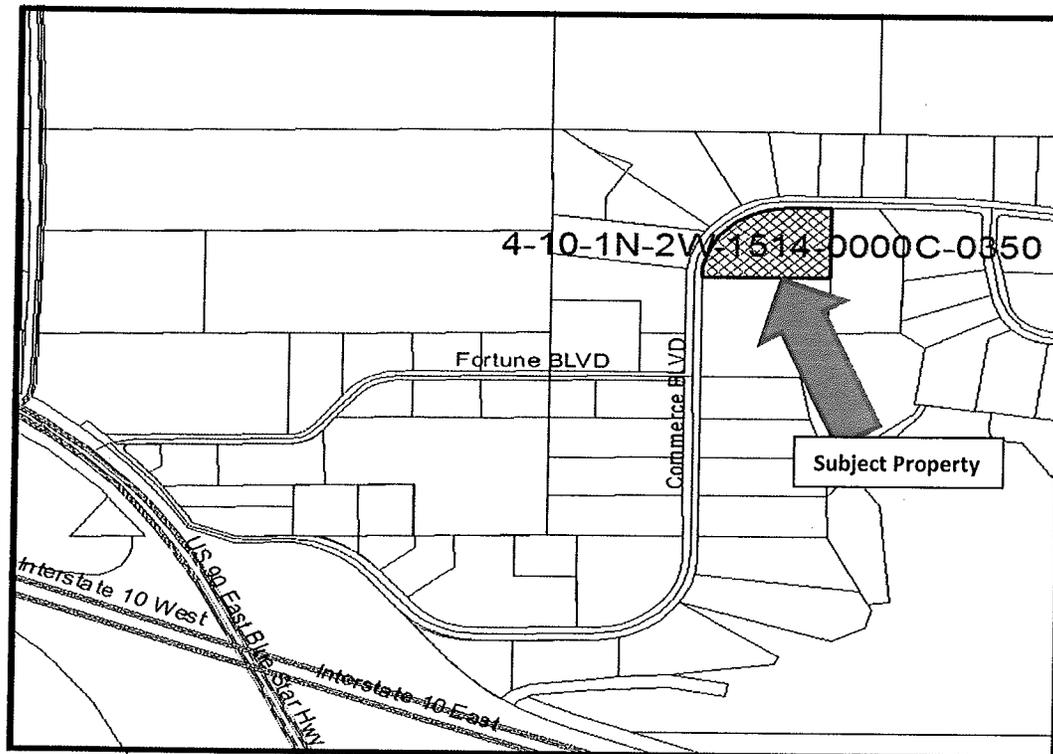
Notice is hereby given to all concerned that the City Council of the City of Midway, Florida, intends, at a meeting in the Council Chambers of Midway City Hall at 50 Martin Luther King Jr. Boulevard, Midway, Florida 32343, at 7:00PM on the 4<sup>th</sup> day of September 2014, to hear a 1<sup>st</sup> Reading to consider the enactment of the following proposed ordinance entitled:

AN ORDINANCE ANNEXING TO THE CITY OF MIDWAY, FLORIDA BY VOLUNTARY ANNEXATION, PURSUANT TO SECTION 171.044, FLORIDA STATUTES, REAL PROPERTY IN SECTION 10, TOWNSHIP 1N, RANGE 2W, IN THE UNINCORPORATED AREA OF GADSDEN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS 1174 COMMERCE BOULEVARD ON PARCEL 4-10-1N-2W-1514-0000C-0350, PROVIDING FOR CODIFICATION AND THE FILING OF SAME WITH THE CLERK OF THE CIRCUIT COURT OF GADSDEN COUNTY, FLORIDA, THE COUNTY ADMINISTRATOR OF GADSDEN COUNTY, FLORIDA, AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

Such ordinance may be inspected by the public at Midway City Hall in the office of the City Manager. The complete legal description by the metes and bounds (Attachments 1 and 2) can be obtained from the City Clerk.

Interested parties may appear at the meeting and be heard with respect to proposed Ordinance #2014-07.

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, said person will need a record of the proceedings, and for such purpose, said person may need to insure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

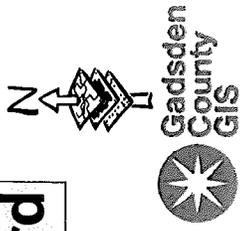


This 7<sup>th</sup> day of August 2014.

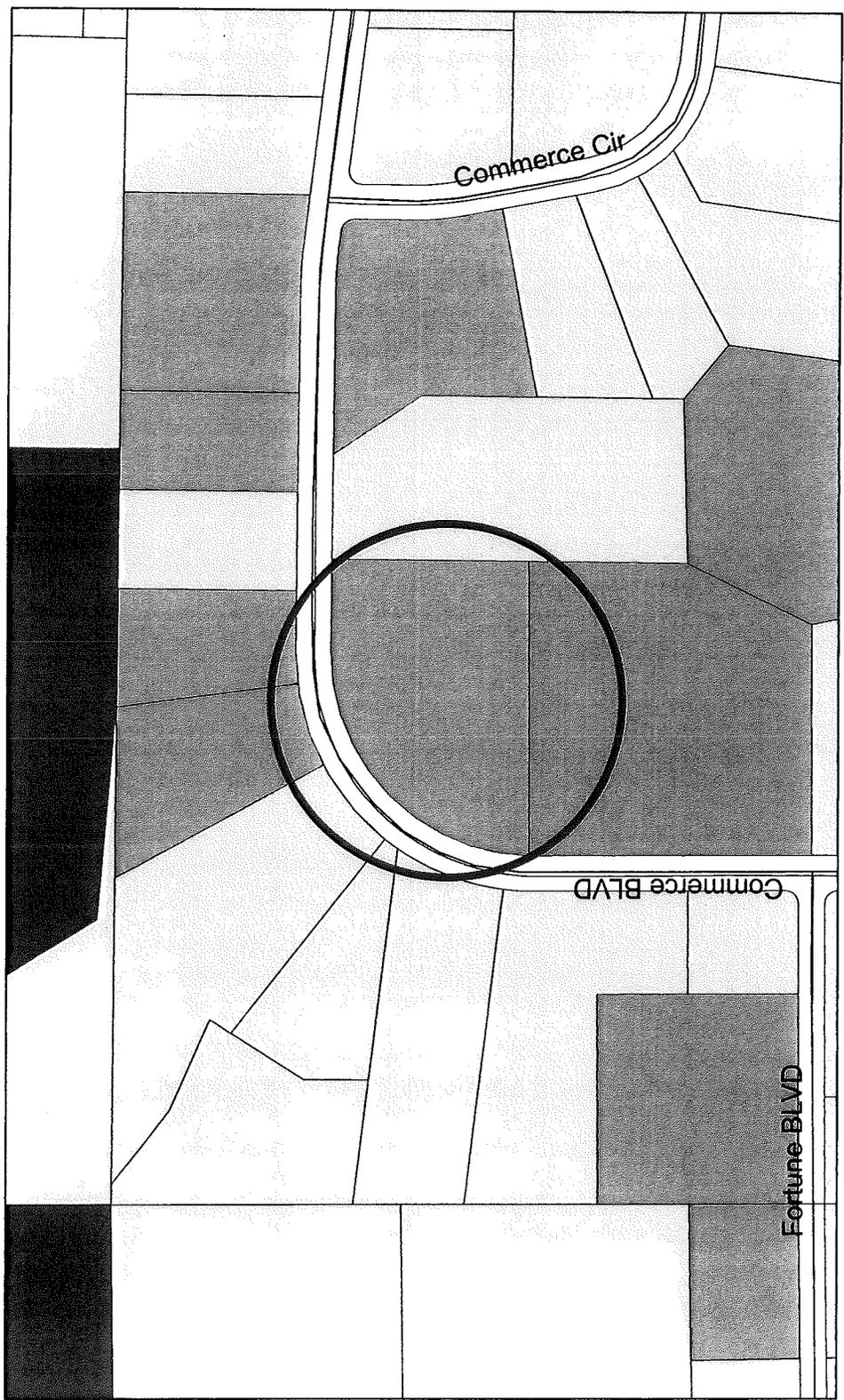
Frances Harrell  
City Clerk, City of Midway

Publish: August 14, 2014 and August 21, 2014

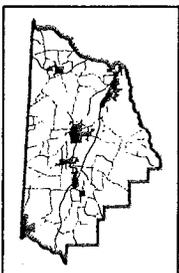
**GADSDEN COUNTY MAP - 1174 Commerce Boulevard**



Legend	
FUTURE LAND USE	
[Pattern]	AGRICULTURE 1
[Pattern]	AGRICULTURE 2
[Pattern]	AGRICULTURE 3
[Pattern]	COMMERCIAL
[Pattern]	CONSERVATION
[Pattern]	EASEMENT
[Pattern]	HEAVY INDUSTRIAL
[Pattern]	LIGHT INDUSTRIAL
[Pattern]	ROW
[Pattern]	RURAL RESIDENTIAL
[Pattern]	SILVICULTURE
[Pattern]	URBAN SERVICE AREA
[Pattern]	HISTORICAL
[Pattern]	LAKE
[Pattern]	MINING
[Pattern]	MUNICIPAL
[Pattern]	PUBLIC
[Pattern]	RECREATIONAL



The information shown on the map is from the best available data at the time. Gadsden County assumes no responsibility for any errors or inaccuracies shown on the map.





OFFICIAL RECORDS  
BK 621 PG 1151

050010852

THIS INSTRUMENT PREPARED BY:  
Ronald R. Richond  
Affiliated Title Services, L.L.C.  
1435 E. Piedmont Drive, Suite 110  
Tallahassee, Florida 32308

DOC STAMPS 2205.00  
Record Fee: 18.50

RECORD AND RETURN TO:  
Affiliated Title Services, L.L.C.  
1435 E. Piedmont Drive, Suite 110  
Tallahassee, Florida 32308

FILE # 050010852 RCD:09/22/2005 @ 12:23 PM  
Nicholas Thomas, Clerk Circuit Court, Gadsden Co

RE PARCEL ID #: 4-10-1N-2W-1514-0000C-0350  
BUYER'S TIN:

**WARRANTY DEED**

**THIS WARRANTY DEED** made this 20th day of September, 2005 by Jerone J. Ellis and Betty C. Ellis, husband and wife, hereinafter called Grantor, and whose address is Post Office Box 282, Calvary, Georgia 39829 to Trucker's USA Enterprises, Inc., a Florida corporation, hereinafter called Grantee and whose address is 6187 Stewart Street, Milton, Florida 32570.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

**WITNESSETH:**

**THAT** the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Gadsden County, Florida, viz:

Lot 35, Block C, Gadsden 10/90 Commerce Park, Phase I, as per map or plat thereof as recorded in Plat Book 2, pages 73 and 74, of the Public Records of Gadsden County, Florida.

**SUBJECT TO** taxes accruing subsequent to December 31, 2004.  
**SUBJECT TO** covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**AND** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

**IN WITNESS WHEREOF**, the said Grantor has signed and sealed these presents the day and year first above written.



Signed, sealed and delivered in our presence:

[Signature]  
Witness Signature

DAEW Whitaker, Jr  
Witness Printed Signature

[Signature]  
Witness Signature

SAM LESTER  
Witness Printed Signature

[Signature]  
Jerome J. Ellis

[Signature]  
Betty C. Ellis

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 20th day of September, 2005 by Jerome J. Ellis and Betty C. Ellis, husband and wife, who  are personally known to me or  produced as identification.

Notary Public, State and County Aforesaid

[Signature]  
Notary Signature

LINDA H. O'STEEN  
Notary Printed Signature

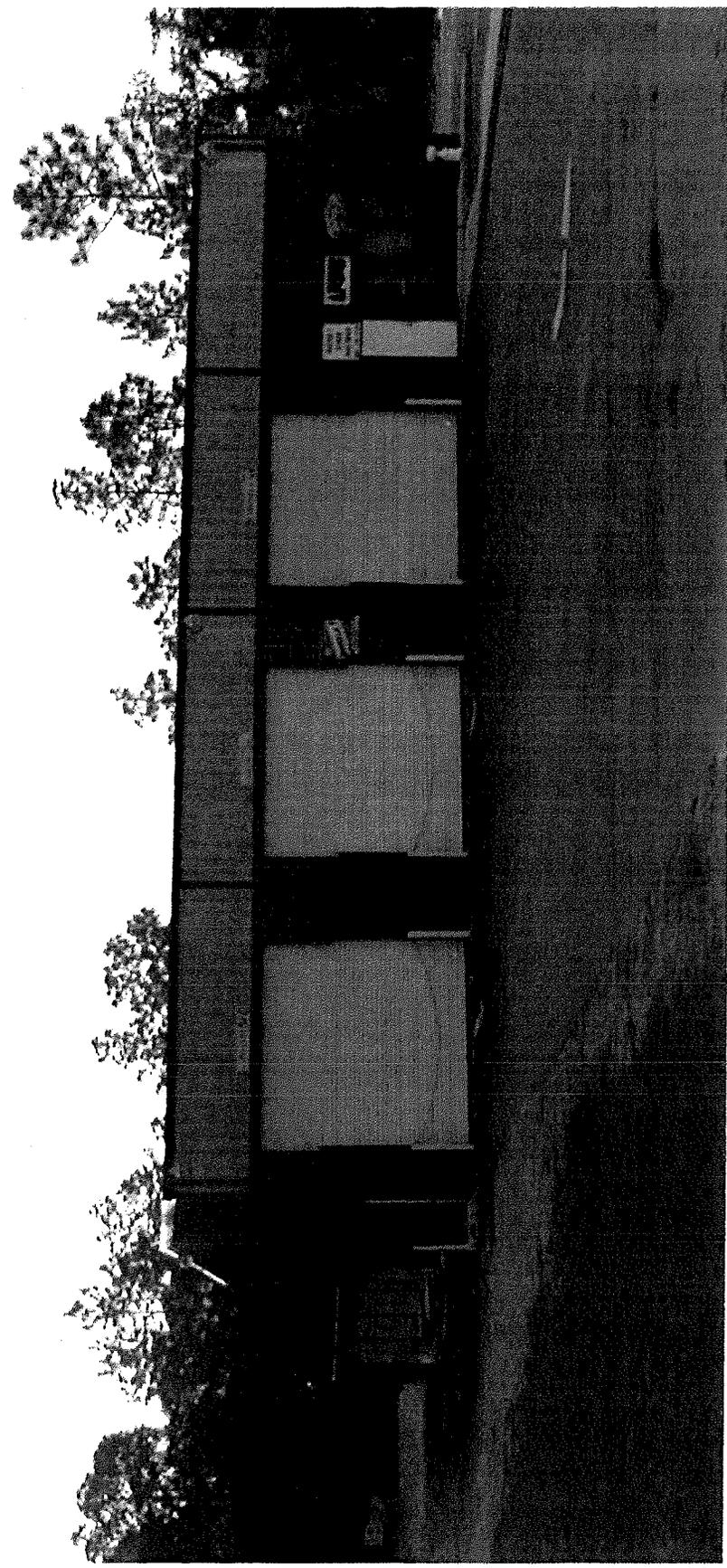
\_\_\_\_\_  
(Title or Rank)

\_\_\_\_\_  
(Serial No., if any)



# Trucker's USA Enterprises, Inc. Site

1135 Commerce Blvd  
Midway, FL 32343 - approximate address  
Commerce Blvd  
Street View - May 2011



**ORDINANCE NUMBER 2014-7**

AN ORDINANCE ANNEXING TO THE CITY OF MIDWAY, FLORIDA BY VOLUNTARY ANNEXATION, PURSUANT TO SECTION 171.044, FLORIDA STATUTES, REAL PROPERTY IN SECTION 10, TOWNSHIP 1N, RANGE 2W, IN THE UNINCORPORATED AREA OF GADSDEN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS 1174 COMMERCE BOULEVARD ON PARCEL 4-10-1N-2W-1514-0000C-0350, KNOWN AS THE TRUCKERS USA ENTERPRISES INC. VOLUNTARY ANNEXATION; PROVIDING FOR CODIFICATION AND THE FILING OF SAME WITH THE CLERK OF THE CIRCUIT COURT OF GADSDEN COUNTY, FLORIDA, THE COUNTY ADMINISTRATOR OF GADSDEN COUNTY, FLORIDA, AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owners of real property at 1174 Commerce Boulevard on Parcel 4-10-1N-2W-1514-0000C-0350 as shown in Attachment 1 and 2 in Section 10, Township 1N, Range 2W the Unincorporated Area of Gadsden County Florida which is contiguous to the City of Midway, Florida, and reasonably compact, therewith have petitioned the governing body of said City to have said property annexed to the municipality as shown on Attachment 3 attached; and,

**WHEREAS**, the governing body of the City of Midway has made a determination that the petition bears the signature of the owners of the real property in the area proposed to be annexed; and,

**WHEREAS**, the governing body of the City of Midway has further determined that such annexation will not result in the creation of an enclave; and,

**WHEREAS**, since the owner of property to be annexed has voluntarily petitioned the City of Midway for such annexation and agreed to the same, a referendum is not required in order to complete such annexation pursuant to the provisions of Florida law; and,

**WHEREAS**, notice of this voluntary annexation by Ordinance has been published once a week for 2 consecutive weeks in a newspaper of general circulation in the City of Midway, which notice has given the Ordinance Number and a description of the area proposed to be annexed, including a map clearly showing the area to be annexed, and a statement that the complete Ordinance can be obtained from the City Clerk of the City of Midway,

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDWAY, FLORIDA:**

**SECTION 1. DESCRIPTION OF PROPERTY TO BE ANNEXED:**

That the City of Midway, Florida does hereby annex to the City by voluntary annexation pursuant to the provisions of Section 171.044, Florida Statutes, the following described real property situate, lying and being in Gadsden County, Florida, to wit:-

Description attached hereto and made a part hereof and marked Attachment "1". And the boundary lines of the City of Midway are here by redefined accordingly.

**SECTION 2. EFFECT OF ANNEXATION.**

That the above described area hereby annexed to the City of Midway, Florida shall be subject to all laws, ordinances, and regulations in force in the City of Midway, Florida, and shall be entitled to the same privileges and benefits as other parts of this municipality upon the effective date of this annexation as hereinafter provided.

**SECTION 3. CODIFICATION AND FILING:**

It is the intent of the City of Council of the City of Midway that this Ordinance be made a part of the Code of Ordinances of the City of Midway, Florida and be codified for inclusion therein, and that this Ordinance be filed with the Clerk of the Circuit Court of Gadsden County, Florida, the County Administrator of Gadsden County, Florida, and the Department of State of the State of Florida.

**SECTION 4. EFFECTIVE DATE:**

This Ordinance shall take effect on September 4, 2014

INTRODUCED in open session to the Midway Council of the City of Midway on the 4<sup>th</sup> day of September 2014.

ADOPTED AND PASSED on the second and final reading in open session at the City Council of the City of Midway, Florida, on the 4<sup>th</sup> day of September 2014

\_\_\_\_\_

Date: \_\_\_\_\_

DAVID KNIGHT, MAYOR

Date: \_\_\_\_\_

**ATTEST:**

**Approved as to form and sufficiency:**

\_\_\_\_\_

\_\_\_\_\_

Frances Harrell, City Clerk

CITY ATTORNEY

**ATTACHMENTS:**

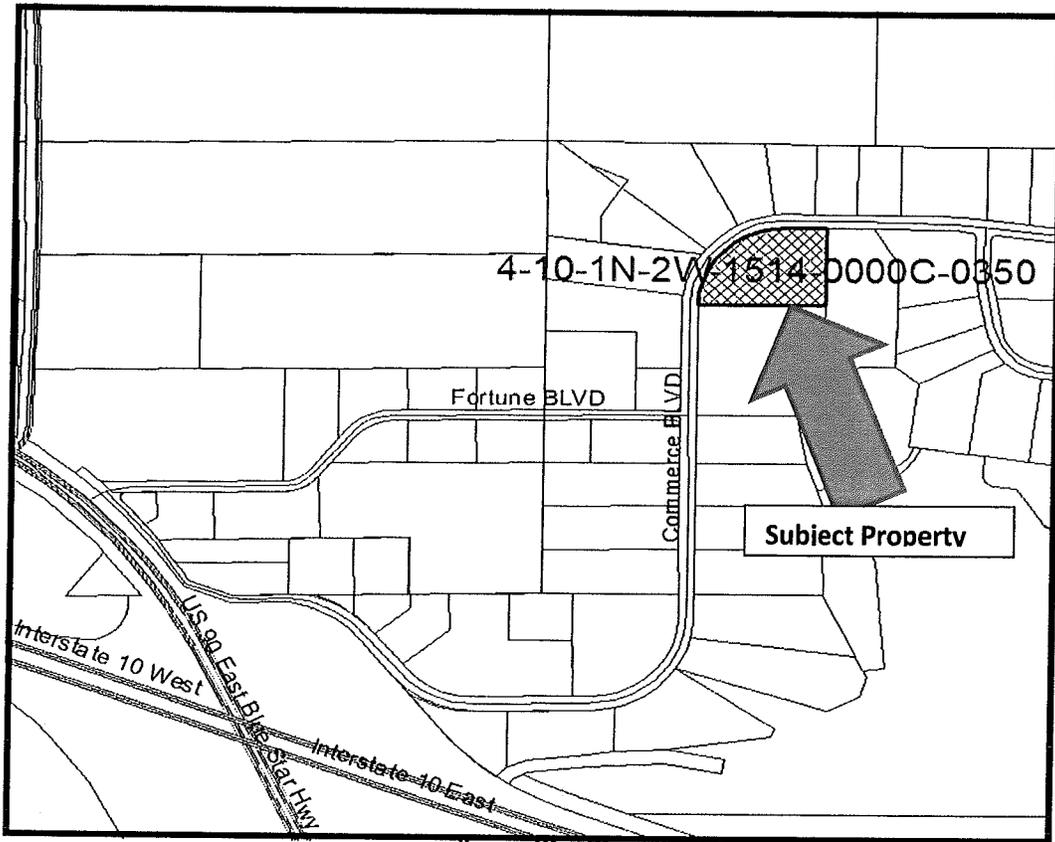
- 1. Legal Description
- 2. Vicinity Map
- 3. Voluntary Petition (signed by owner)

**LEGAL DESCRIPTION**

Lot 35, Block C, Gadsden 10/90 Commerce Park, Phase I, as per map or plat thereof as recorded in Plat Book 2, pages 73 and 74, of the Public Records of Gadsden County, Florida.

# VICINITY MAP

(1174 Commerce Boulevard)



# PETITION FOR VOLUNTARY ANNEXATION

I, the undersigned, Scott D. Robinson, as property owner of 1174 Commerce Boulevard on Parcel 4-10-1N-2W-1514-0000C-0350, do hereby request a Voluntary Annexation by the City of Midway, Florida, of real property in the Unincorporated Area of Gadsden County, Florida, owned by the undersigned as myself, and more particularly described on Exhibit "A" attached, pursuant to Section 171.044, Florida Statutes.

Dated this 11 day of August, 2014.

MAILED  
8-13-14  
JWF

PROPERTY OWNER:



Scott D. Robinson

Date:

8/11/14

ATTEST:



NOTARY



JACQUELINE LEE FRANKLIN  
MY COMMISSION # EE 875943  
EXPIRES: May 21, 2017  
Bonded Thru Budget Notary Services



# CITY OF MIDWAY

50 MARTIN LUTHER KING BOULEVARD • P.O. BOX 438 • MIDWAY, FL 32343 • (850) 574-2355 • FAX: (850) 574-0633 • WWW.MYMIDWAYFL.COM

June 2, 2014

COMMUNITY COFFEE COMPANY LLC

3332-A PARTRIDGE LN.  
BATON ROUGE, LA 70809

**RE: Voluntary Annexation**

Dear Business Owner:

It has come to my attention that though your business is located at (914 COMMERCE BLVD, Parcel # 4-10-1N-2W-1514-0000C-0390) within the incorporated limits of the City of Midway, it is not annexed into the City of Midway. Therefore, residents of Midway have been subsidizing City services you receive, such as public safety through the Midway Police Department; though your business pays no taxes for those services.

We are happy that you chose to locate your business in Midway and move our community toward positive growth and jobs. We consider your business an asset to our community.

However, in Midway where the poverty rate is approaching 31%\_ one of the highest in the state\_ the City cannot continue to provide services to businesses that are not annexed and do not contribute to the tax base required to support City services. Further, most of your neighboring businesses have already annexed and are paying their fair share for services.

We have, therefore, attached a **voluntary annexation application, temporarily waived the \$1500 application fee, and we invite you to take this opportunity to annex into the City of Midway.** The fee waiver will only be in effect through June 30, 2014. I hope you will accept our invitation.

Thank you for your contributions to our community. We want you to formally join the family of Midway. Please feel free to contact me at (850) 574-2355, if you have questions.

Sincerely,

Dorothy Inman-Johnson

City Manager