

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**RESOLUTION 2020-**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTIONS 164.1052 AND 171.081, FLORIDA STATUTES, DECLARING THE INTENT OF THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF NEWBERRY, FLORIDA, AS IT RELATES TO THE ANNEXATION OF UNINCORPORATED PROPERTY INTO THE CITY, WHICH ANNEXATION DOES NOT MEET THE REQUIREMENTS OF CHAPTER 171, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF NEWBERRY, FLORIDA, AS IT RELATES TO THE MATERIAL INJURY SUFFERED BY THE COUNTY BY REASON OF THE CITY'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 171, FLORIDA STATUTES; INITIATING THE PROCEDURES OF THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; DIRECTING THE COUNTY MANAGER AND COUNTY ATTORNEY TO ADHERE TO THE PROCEDURAL REQUIREMENTS AND REMEDIES AS OUTLINED IN CHAPTER 164, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

Whereas, on April 27, 2020 the City of Newberry, Florida, adopted Ordinance Numbers 2020-04, 2020-06, 2020-09 and 2020-10 on second reading, annexing a combined total of approximately 396 acres of unincorporated property into the City of Newberry; and,

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, sets forth criteria and procedures for adjusting the boundaries of municipalities through annexation or contraction, as well as the procedures for appealing annexation or contraction decisions; and,

WHEREAS, Section 171.081, Florida Statutes, provides that a government agency that chooses to challenge a municipal annexation must first initiate and proceed through the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, prior to filing a petition in

the circuit court seeking certiorari review; and,

WHEREAS, the Florida Governmental Conflict Resolution Act provides that the purpose and intent of that Act is to promote, protect, and improve the public health, safety, and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and,

WHEREAS, it is the intent of the Florida Legislature that conflicts between governmental entities be resolved to the greatest extent possible without litigation; and,

WHEREAS, Section 164.1052, Florida Statutes, provides that in order for a governing body of a governmental entity to initiate the conflict resolution procedures provided by this Act it shall first adopt a resolution by its members; and,

WHEREAS, said resolution is required to state that it is the intention of the governing body initiating the conflict resolution procedures to resolve the conflict; and,

WHEREAS, said resolution is required to specify the issues of conflict, as well as the governmental entity or entities with which the governing body has a conflict; and,

WHEREAS, Section 164.1041, Florida Statutes, provides that all governmental entities are encouraged to use the procedures in this act to resolve conflicts that may occur at any time between governmental entities, but shall use these procedures before court proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. The Board of County Commissioners of Alachua County intends to initiate the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act,

64 prior to prosecuting a court proceeding, through the adoption of this Resolution.

65           2.       The conflict is between the government and Board of County Commissioners of  
66 Alachua County and the government and City Commission of the City of Newberry.

67           3.       On April 27, 2020, the City of Newberry Commission adopted Ordinance  
68 Numbers 2020-04, 2020-06, 2020-09 and 2020-10 annexing a combined total of approximately  
69 396 acres of unincorporated property into the City of Newberry.

70           4.       Alachua County contends that, in addition to that which may be pled or further  
71 described in court proceedings, the following are issues of conflict between Alachua County and  
72 the City of Newberry:

73           a.       That the City of Newberry Ordinance 2020-04, which annexes approximately 19  
74 acres of unincorporated property into the City of Newberry, does not meet the  
75 requirements for annexation found in Chapter 171, Florida Statutes, in that the land  
76 annexed into the City of Newberry creates an impermissible enclave which is against the  
77 public policy outlined by the State of Florida in Section 171.046(1), Florida Statutes.

78           b.       That the City of Newberry Ordinance 2020-06, which annexes approximately 13  
79 acres of unincorporated property into the City of Newberry, does not meet the  
80 requirements for annexation found in Chapter 171, Florida Statutes, in that the land  
81 annexed into the City of Newberry creates an impermissible enclave which is against the  
82 public policy outlined by the State of Florida in Section 171.046(1), Florida Statutes.

83           c.       That the City of Newberry Ordinance 2020-09, which annexes approximately 80  
84 acres of unincorporated property into the City of Newberry, does not meet the  
85 requirements for annexation found in Chapter 171, Florida Statutes, in that the land  
86 annexed into the City of Newberry is not reasonably compact, as required by general law,  
87 and is not contiguous as that term is defined in Section 171.031(11), Florida Statutes.

d. That the City of Newberry Ordinance 2020-10, which annexes approximately 284 acres of unincorporated property into the City of Newberry, does not meet the requirements for annexation found in Chapter 171, Florida Statutes, in that the land annexed into the City of Newberry is not reasonably compact, as required by general law, and is not contiguous as that term is defined in Section 171.031(11), Florida Statutes.

e. The County will suffer material injury by reason of the City's failure to comply with the requirements of Chapter 171, Florida Statutes, because the County will lose current and future tax revenue, and the annexations will create continuing interjurisdictional conflicts related to planning and growth management and inefficiencies related to service delivery.

5. It is the intent of Alachua County, to the greatest extent possible, to resolve this dispute without litigation.

6. Pursuant to Section 171.081, Florida Statutes, Alachua County hereby initiates the procedures of the Florida Governmental Conflict Resolution Act. Following the completion of the procedures of the Florida Governmental Conflict Resolution Act, Alachua County may file a petition in the circuit court seeking review by certiorari, pursuant to Section 171.081, Florida Statutes.

7. The Board of County Commissioners of Alachua County directs the County Manager and County Attorney to adhere to the procedural requirements and remedies as outlined in the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes.

8. Effective Date. This resolution shall take effect immediately upon adoption.

DULY ADOPTED in regular session, this 12th day of May, 2020.

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BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Robert Hutchinson, Chair

ATTEST:

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J.K. "Jess" Irby, Esq., Clerk

(SEAL)

APPROVED AS TO FORM

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Alachua County Attorney's Office