



Alachua County Board of County Commissioners

Michele Lieberman
County Manager

April 8, 2020

Mr. Mike New, City Manager
City of Newberry
PO Box 369
Newberry, FL 32669

Dear Mr. New:

Thank you for providing the County with the notice of the City's eleven proposed voluntary annexation ordinances dated February 27, 2020, for which the City had first reading on March 23, 2020. County staff has reviewed each of the proposed annexations in relation to the requirements of Chapter 171, Part I, Florida Statutes, that areas to be annexed are contiguous to the city boundaries, reasonably compact, and do not result in the creation of enclaves. Based on County staff's review, we are providing the attached comments for the City's consideration.

While most of the proposed annexations appear to meet the requirements for voluntary annexation under Section 171.044 Florida Statutes, there are a few (specifically Ordinances 2020-04, 2020-06, 2020-09, and 2020-10 which are addressed in numerical sequence in the attachment) that raise questions relative to the statutory requirements, as well as related service delivery and land use planning concerns. These issues are detailed in the attached comments from County staff.

We would appreciate it if you would provide this letter and the attached comments to the City Commission for inclusion in the record of any upcoming public hearings on the proposed annexations, and please advise us of when the hearings for second reading are scheduled to be held. Do not hesitate to contact me if you have questions or would like to discuss these issues. As always, we appreciate the continued coordination between the City of Newberry and Alachua County.

Sincerely,

Michele Lieberman
County Manager

ML/BC/bc

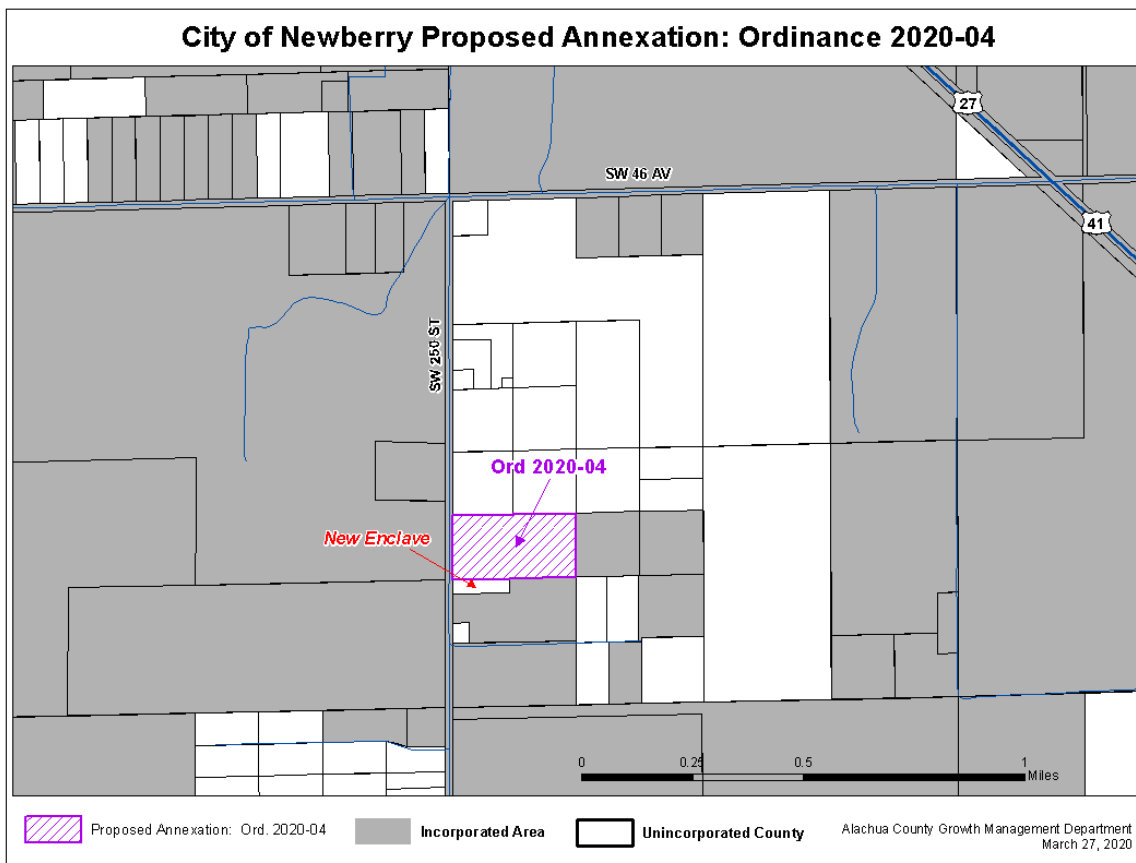
cc: Board of County Commissioners
Sylvia Torres, County Attorney
Jim Harriott, Deputy County Manager
Missy Daniels, Director of Growth Management
Bryan Thomas, City of Newberry Planning and Economic Development Director

ALACHUA COUNTY STAFF COMMENTS ON PROPOSED CITY OF NEWBERRY VOLUNTARY ANNEXATIONS

Ordinance 2020-04

Annexation Ordinance 2020-04 proposes to annex one 19.4 acre parcel as shown on the map below. This annexation would result in the creation of a new enclave which is prohibited by Section 171.044(5), F.S., which provides that, "Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". The definition of an enclave as provided in Section 171.031(13)(a), F.S. is, "Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality".

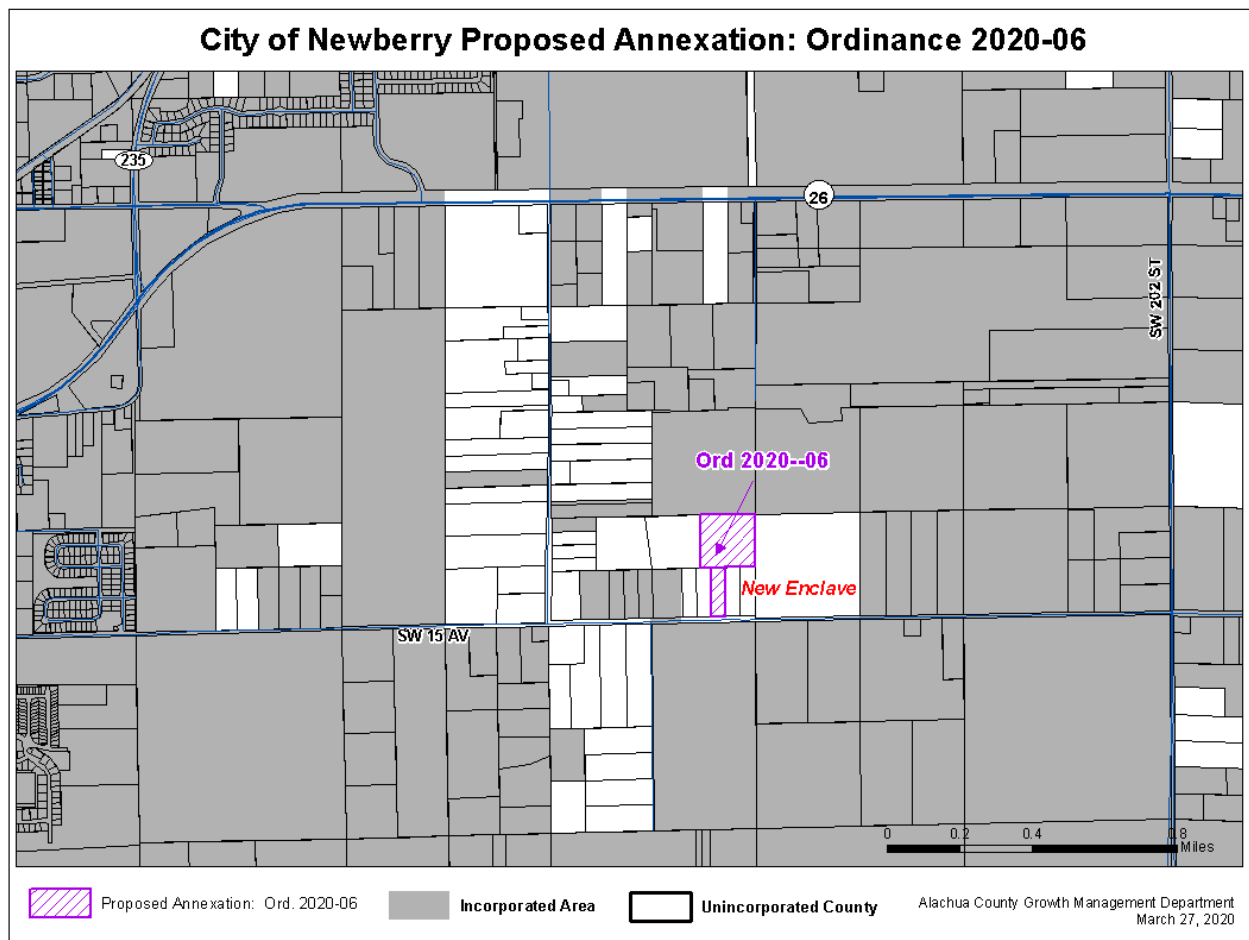
As indicated on the map below, the enclave created by this annexation consists of a 2-acre unincorporated tax parcel that is located south of the parcel being annexed. That parcel is "improved or developed", and would become "enclosed within and bounded on all sides" by the City of Newberry as a result of this annexation, and would therefore be made into an enclave pursuant to the statutory definition. It is noted that the larger surrounding area is an existing large enclave. While this proposed annexation would begin to partially fill in that enclave, it would also further isolate the unincorporated parcel to the south from the rest of the unincorporated area, causing the potential for increased inefficiencies in service delivery and potential land use conflicts due to variations between County and City land use plans. The City should attempt to annex the enclave parcel to the south to avoid the creation of this enclave.



Ordinance 2020-06

Annexation Ordinance 2020-06 proposes to annex two tax parcels consisting of approximately 13 total acres as shown on the map below. This annexation would result in the creation of a new enclave which is prohibited by Section 171.044(5), F.S., which provides that, "Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". The definition of an enclave as provided in Section 171.031(13)(a), F.S. is, "Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality".

The enclave created by this annexation would consist of the three unincorporated tax parcels located generally to the east of the area being annexed. The three parcels in the enclave are approximately 40 acres, 2.8 acres, and 2.7 acres in size. Each of those three tax parcels are "improved or developed" and would become "enclosed within and bounded on all sides" by the City of Newberry as a result of this annexation, and would therefore be made into an enclave pursuant to the statutory definition. It is noted that the larger surrounding area is an existing large enclave which was created by the annexation of an area on the north side of Newberry Road (SR 26) in 2016. The proposed annexation would begin to partially fill in this enclave, however it would also further fragment and isolate the three unincorporated tax parcels in the enclave, causing the potential for increased inefficiencies in service delivery and potential land use conflicts due to variations between County and City land use plans. The City should attempt to annex the three parcels in the enclave in order to avoid the creation of this enclave.



Ordinance 2020-09

Annexation Ordinance 2020-09 proposes to annex one tax parcel consisting of approximately 80 acres. In County staff's opinion, this proposed annexation does not appear to meet the statutory requirements for contiguity and compactness as provided in Chapter 171, Florida Statutes.

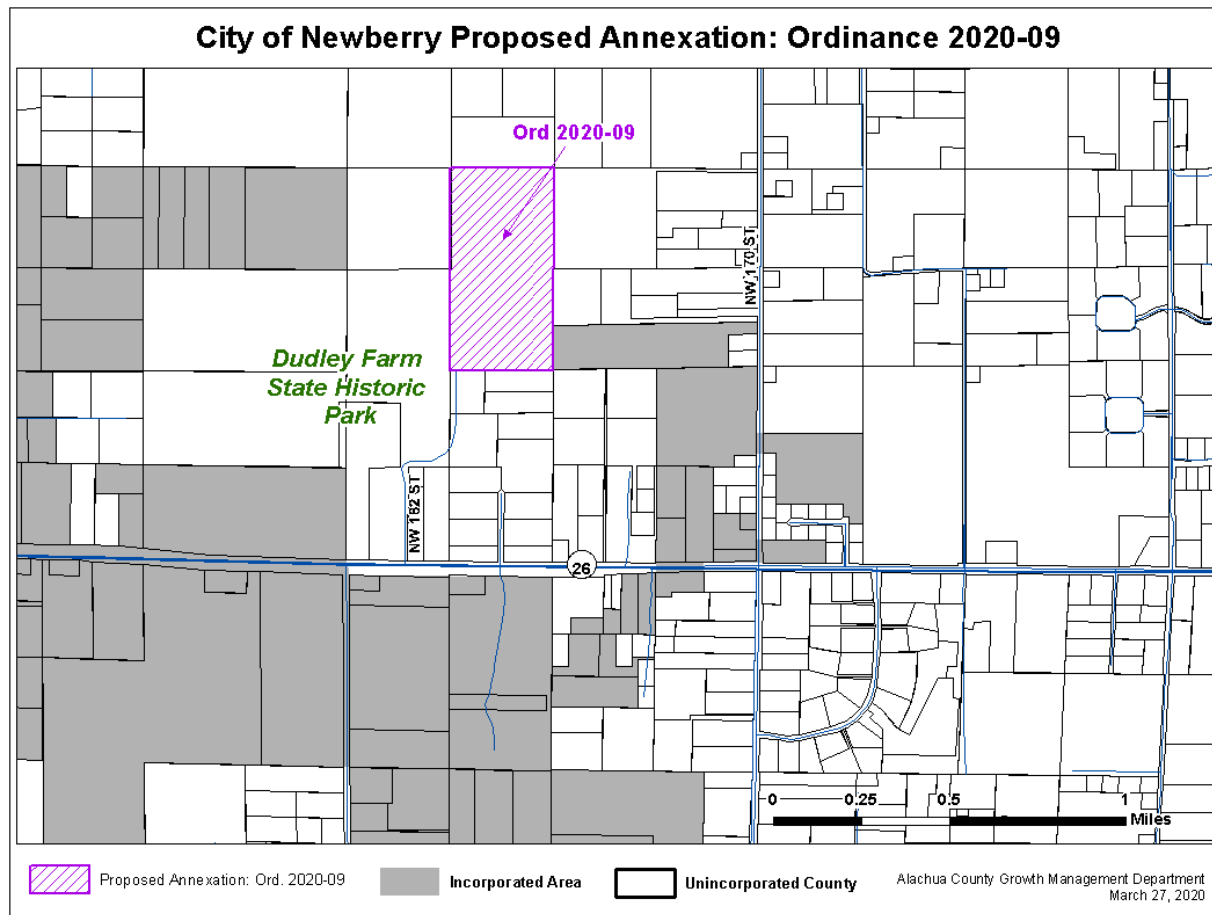
Section 171.044(1), F.S. provides that:

"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."

Section 171.031(11), F.S. defines "contiguous" as follows:

"Contiguous means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality."

The area proposed to be annexed (shown on map below) has a total perimeter measurement of approximately 7,900 linear feet. The area is coterminous with the existing City boundary for a segment of approximately 570 linear feet in its southeast corner, which is approximately 7% of the total perimeter of the area. It is not clear that the coterminous segment represents a "substantial part" of the boundary of the area to be annexed.



As noted above, Section 171.044(1), Florida Statutes also requires that areas to be annexed must be “reasonably compact”. Section 171.031(12), F.S. defines “compactness” as follows:

“Compactness means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.”

In County’s staff’s opinion, the proposed annexation appears to result in the creation of an unincorporated “pocket” which is inconsistent with the statutory definition of “compactness”. As shown on the map above, the annexation of this parcel further encloses and isolates numerous unincorporated parcels located generally south and west of the parcel proposed to be annexed from the remainder of the unincorporated area. The unincorporated pocket consists of approximately 500 acres, and it has only one opening of approximately 1,300 feet to the rest of the unincorporated area (just west of the parcel being annexed). Also, if this annexation is adopted, the resulting City boundary, including areas currently within the City, would project in a finger-like serpentine pattern with multiple turns, beginning with the area south of Newberry Road (SR 26) that extends to the east, then turns northeast, north (across Newberry Road/SR 26), then west, and then north again with the parcel proposed to be annexed.

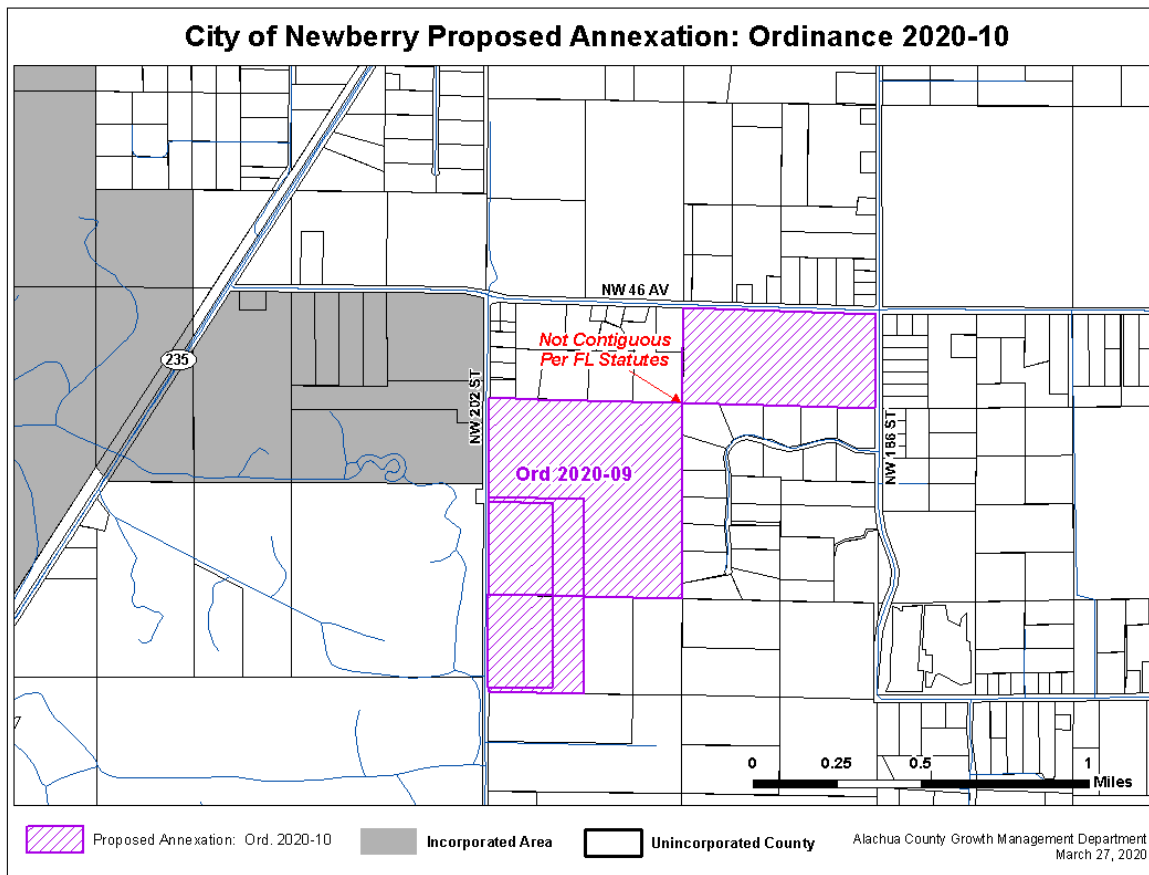
There are several planning and service delivery issues associated with the compactness and contiguity concerns about this proposed annexation, including the following: The unincorporated pocket area created by the annexation is designated “Rural/Agriculture” (1 dwelling unit per 5 acres, max.) under the County’s Comprehensive Plan. The further enclosure of this unincorporated area within the City of Newberry could result in potential land use conflicts if the City proposes land use and zoning designations that would allow for urban development in the future. The configuration of the incorporated and unincorporated area would also make it difficult to extend water or sewer lines to the property from the City of Newberry without going through the unincorporated “Rural/Agriculture” area which is generally proscribed by the Alachua County Comprehensive Plan, except in limited circumstances with approval by the County Commission. Also, the only access to the property proposed for annexation appears to be from NW 182nd Street, which is a private unpaved road leading to the property from SR 26.

Ordinance 2020-10

The annexation proposed by Ordinance 2020-10 includes five tax parcels and approximately 284 acres as shown on the map below. In County staff’s opinion, this proposed annexation does not appear to meet the statutory requirements for contiguity and compactness as provided in Chapter 171, Florida Statutes.

According to Section 171.031(11), Florida Statutes, “Contiguous means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality.” The northeastern portion of the area proposed to be annexed has only one corner that is connected to the rest of the area, forming only a point-to-point connection as shown on the map below. This point-to-point connection does not provide for a “substantial part” of a boundary of the area proposed to be annexed that would be coterminous with a part of the boundary of the City, therefore, it is County staff’s opinion that it does not meet the statutory requirement for contiguity. Also, the total area to be annexed has a perimeter measurement of approximately 20,975 linear feet, and is coterminous with the existing City boundary for a segment of approximately 1,165 linear feet along its western

boundary, which is approximately 5.5% of the total perimeter of the area. It is not clear that this coterminous segment represents a “substantial part” of the boundary of the area to be annexed.



As noted above, Section 171.044(1), Florida Statutes also requires that areas to be annexed must be “reasonably compact”. Section 171.031(12), F.S. defines “compactness” as follows:

“Compactness means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.”

In County’s staff’s opinion, the proposed annexation would not be reasonably compact based on the statutory definition. The proposed annexation would result in a finger-like projection of the City boundary from County Road 235, extending generally eastward, then turning generally to the south and east, and then turning back to the northeast as the city boundary (including the proposed annexation area) extends to NW 186th Street. The unincorporated areas surrounding the area to be annexed are designated “Rural/Agriculture” (1 dwelling unit per 5 acres, max.) under the County’s Comprehensive Plan, and this annexation could result in potential land use conflicts if the City were to propose land use and zoning designations that would allow for urban development in the future. The irregular configuration of the City boundary resulting from this annexation could also result in service delivery inefficiencies for both the County and the City in the future.