



# **City of Newberry Annexations: Update on Conflict Resolution Process**

**Board of County Commissioners Meeting  
December 8, 2020**

*Ben Chumley, Senior Planner  
Growth Management Department*

# Summary

- City of Newberry adopted 13 annexations on April 27 and June 8, 2020. In County staff's opinion, five of those annexations did not meet all requirements of Florida annexation Statutes in Ch.171.
- County Commission initiated appeal processes on those five annexations at its May 12 and June 23, 2020 meetings.
- Per statutory requirement, County and City staffs participated in the Florida governmental conflict resolution process under Chapter 164, and have held several conflict assessment meetings to discuss the issues.
- County and City staffs worked toward a joint planning agreement in an attempt to resolve the issues of conflict, however, the negotiations reached an impasse.
- Next step per Ch. 164, F.S. is a joint meeting of the two governing bodies.

# Statutory Requirements for Voluntary Annexation

*Section 171.044, Florida Statutes*

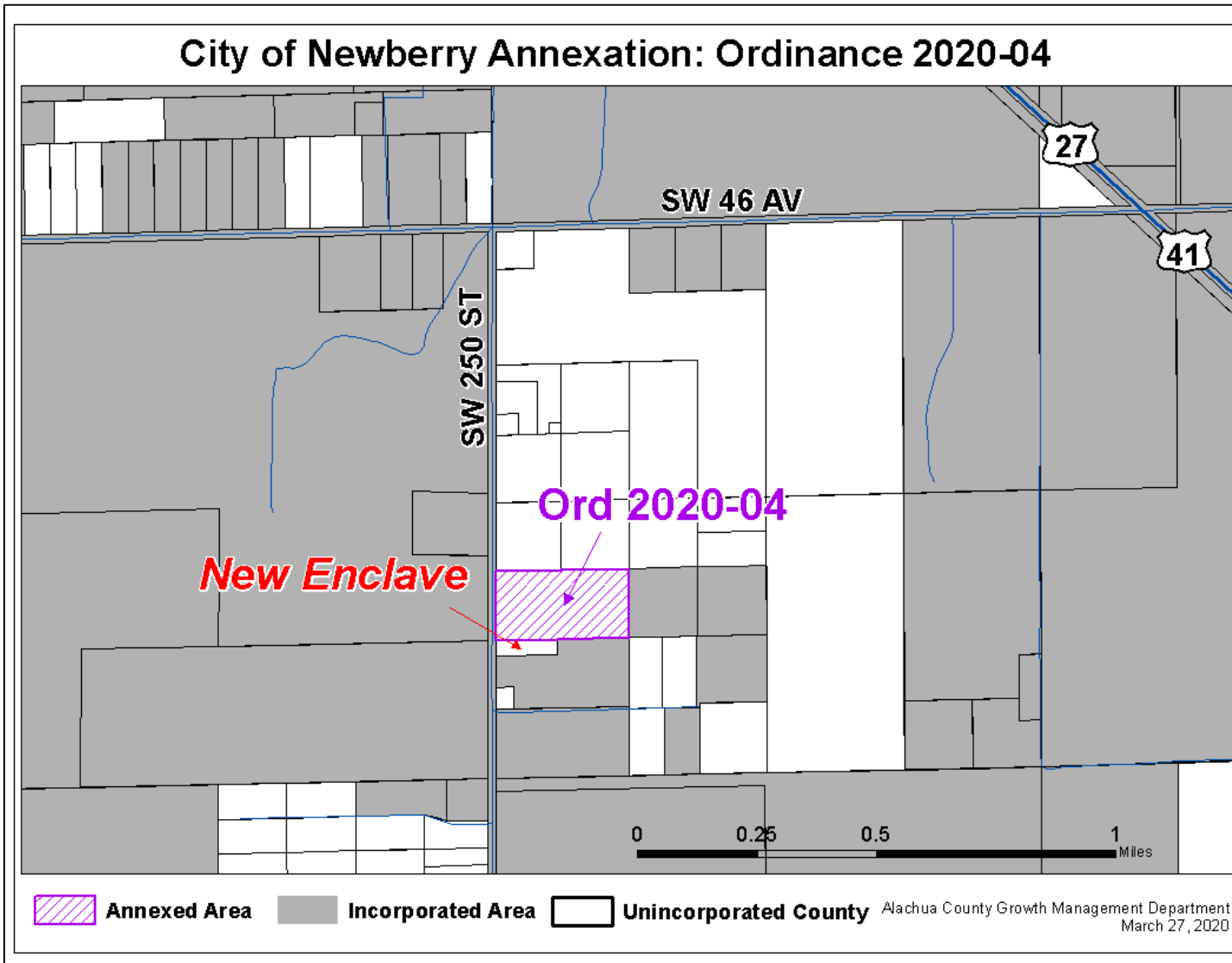
- **Contiguous to City Boundary**
- **Reasonably Compact**
- **Does not Create Enclaves (unincorporated areas that are fully surrounded by City)**
- **Procedural Requirements**

# Ordinance 2020-04

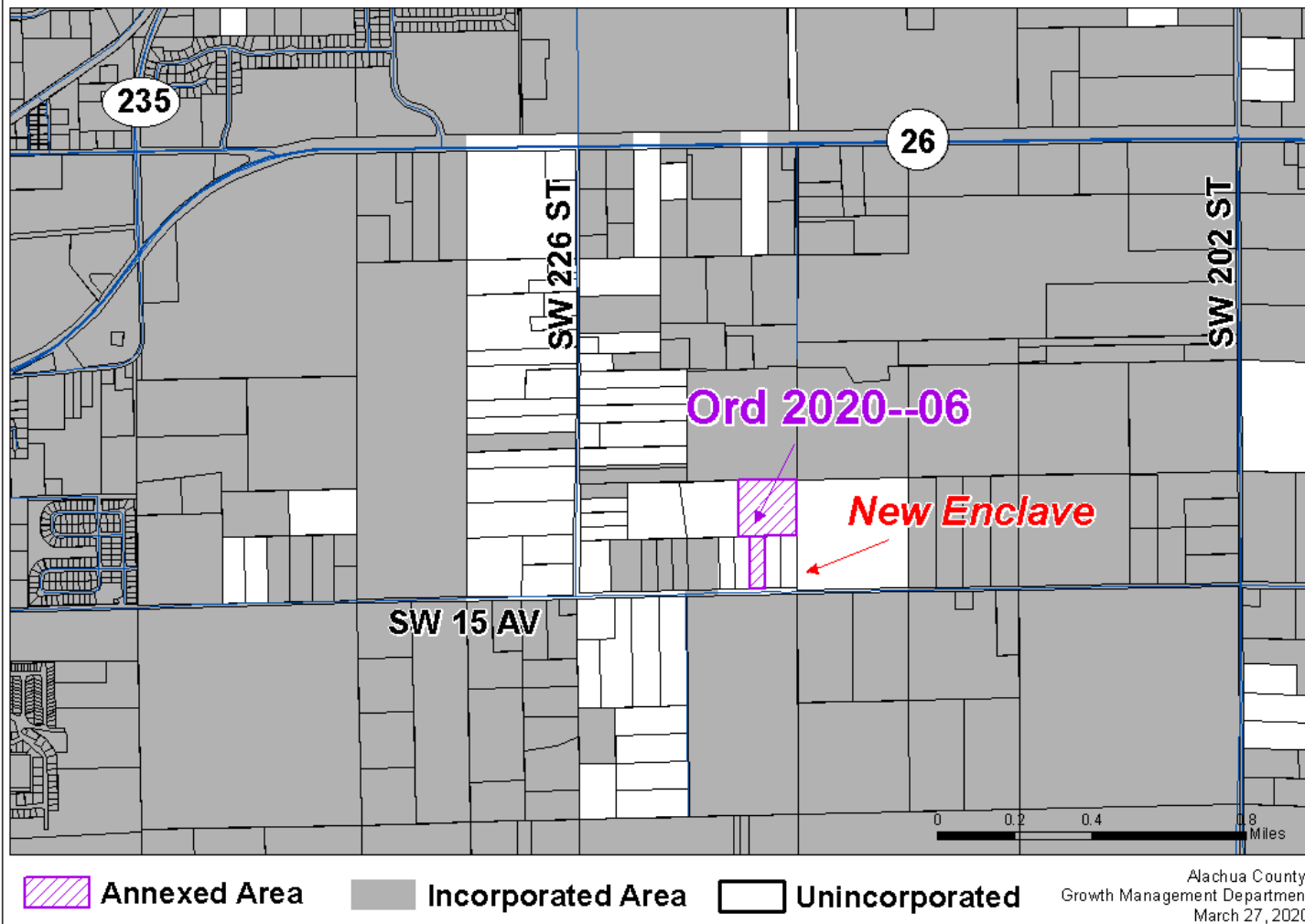
- 19 acres annexed
- Creates a new enclave within existing large enclave
- Recommended that City attempt to annex new enclave parcel

*“Enclave” means: Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality.*

- 171.031(13), Florida Statutes



## City of Newberry Annexation: Ordinance 2020-06



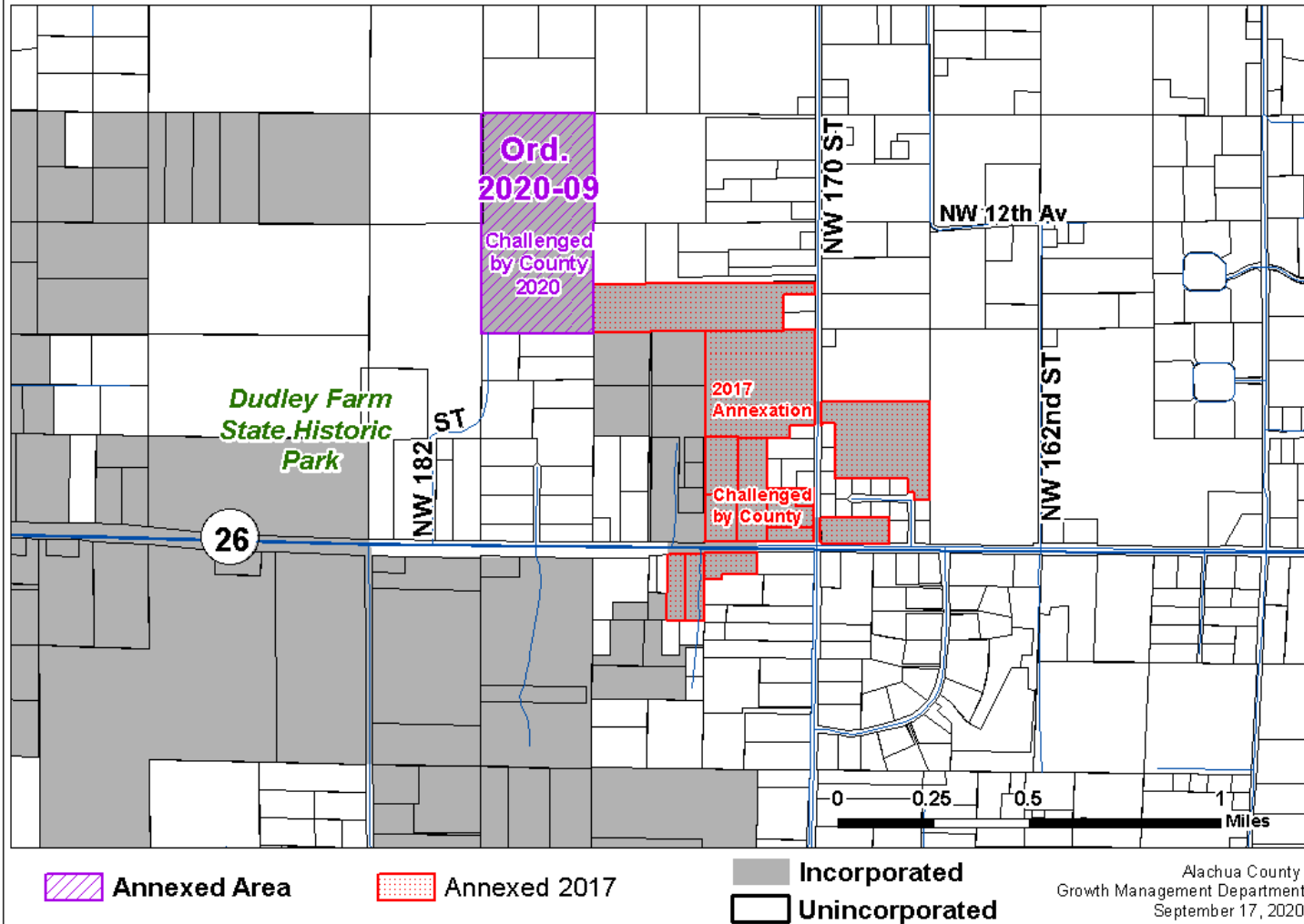
## Ordinance 2020-06

- 13 acres annexed
- Creates a new enclave, but is located within an existing larger enclave
- Recommended that City attempt to annex parcels in new enclave.

*“Enclave” means: Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality.*

- 171.031(13), Florida Statutes

## City of Newberry Annexation Ord. 2020-09



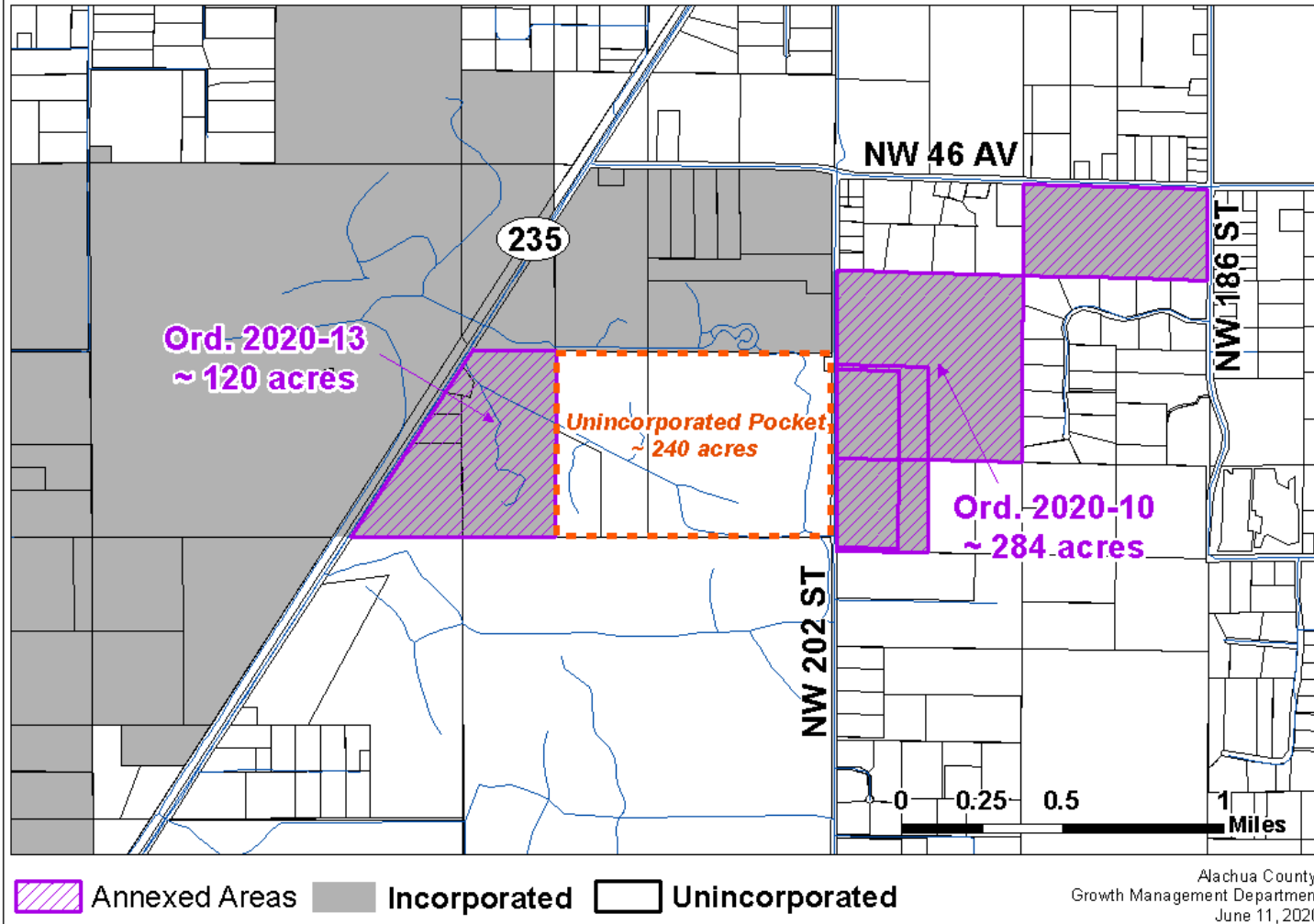
## Ordinance 2020-09

- 80 acres annexed
- Issues with statutory requirements for compactness and contiguity.

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

*"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." - Sec. 171.031, Florida Statutes*

## City of Newberry Annexation: Ordinances 2020-10 and 2020-13



## Ordinances 2020-10 & 2020-13

- ~284 acres and ~120 acres annexed
- Issues with statutory requirements for compactness and contiguity.

*“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.” - Sec. 171.031 , Florida Statutes.*

*“Contiguous means that a substantial part of a boundary of the territory sought to be annexed...is coterminous with a part of the boundary of the municipality.”*



# Annexation Appeal Process for Local Government

*Sec. 171.081 and Chapter 164 Florida Statutes*

1. Initiate and proceed through the conflict resolution process of Chapter 164, F.S. ("Florida Governmental Conflict Resolution Act").
2. If no tentative resolution can be agreed upon through the conflict assessment process, then a joint public meeting of the conflicting governing bodies is scheduled.
3. If no agreement is reached through the joint public meeting, then the conflicting parties shall participate in mediation.
4. Upon conclusion of Ch. 164 process without a mutually-acceptable resolution, the challenging government entity may file a petition in circuit court for certiorari review.



# Conflict Assessment Process

## *Chapter 164, Florida Statutes*

- County and City Managers, legal counsel, and staff met 9 times between June 18th and Nov. 19th.
- County and City staffs worked toward developing a draft Joint Planning Agreement to address issues relating to the five disputed annexations as well as broader annexation and service delivery issues at a citywide level.
- At the November 19, 2020 Conflict Assessment Meeting, the negotiations reached an impasse on key issues of concern to County.

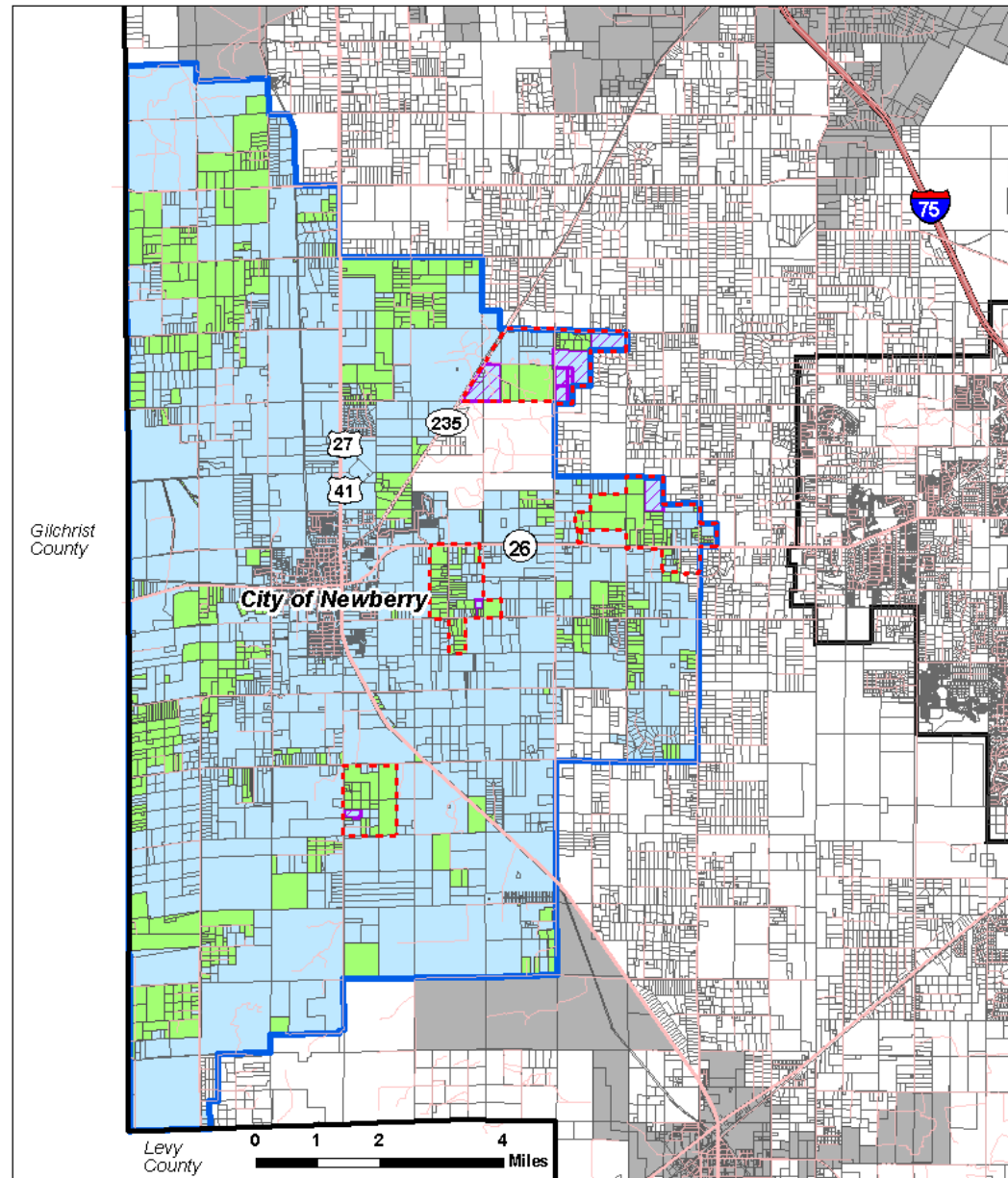
# **Key Issues Discussed in Conflict Assessment Process**

*Chapter 164, Florida Statutes*

- 1. Citywide Annexation Strategy/Policies**
- 2. Annexation within “Joint Planning Areas”**
- 3. Road Maintenance Responsibility and Transfer of Roads**
- 4. Solid Waste Collection Services**
- 5. Fire Services**

## Draft Annexation Boundary and Infill Areas - City of Newberry

Prepared by Alachua County Growth Management For Discussion 9-29-2020



# 1. Citywide Annexation Strategy

*Draft map and concept proposed by County staff*

- **Outer Boundary** – No annexation outside of boundary during term of agreement .
- **Infill Areas** – Existing unincorporated enclaves and pockets with flexible standards for annexation to encourage filling in these areas through annexation.
- **Joint Planning Areas** – County would not object to annexations on basis of contiguity, compactness, or enclaves (to encourage filling in those areas).

# Key Issues Discussed in Conflict Assessment Process (continued)

## 2. Annexation within “Joint Planning Areas”

- Joint Planning Areas = Four mapped areas immediately surrounding the disputed annexations.
- County would not object to annexations in the four “Joint Planning Areas” based on failure to meet strict requirements of statute regarding lack of contiguity or compactness, or creation of enclaves.
- Automatic annexation or annexation by interlocal agreement upon change in property’s ownership (legal and practical concerns about this concept were raised by County staff).

# Key Issues Discussed in Conflict Assessment Process (continued)

## 3. Road Maintenance Responsibility

- Joint Planning Agreement proposal: Local roads in joint planning areas transferred to City immediately; County would provide for maintenance of the roads until 75% of joint planning area is annexed, and then City maintains.
- Discussion of citywide policy for transfer of local roads from County to City as annexation occurs, but no agreement could be reached.

## 4. Solid Waste Collection Services

- Joint Planning Agreement proposal: City would be provider for curbside waste collection services within the Joint Planning Areas, including incorporated and unincorporated parcels. Residents would continue to have option to use Rural Collection Centers.

# Key Issues Discussed in Conflict Assessment Process (continued)

## 5. Fire Services

- Existing Fire Services Agreement with City of Newberry: Closest unit is dispatched to calls for service regardless of jurisdictional boundaries.
- Joint Planning Agreement proposal: If existing Fire Services Agreement is terminated, City will have sole responsibility to provide fire and first response EMS services to the annexed portions of the joint planning areas.

# Next Step in Conflict Resolution Process

*Chapter 164, Florida Statutes*

- Joint meeting of Board of County Commissioners and Newberry City Commission.
- Staff is working with the City on arranging the joint meeting, possibly in January.



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## **Board Discussion and Questions**