



# **Alachua County Board of County Commissioners Newberry City Commission**

## **Chapter 164 Conflict Resolution Process Joint Meeting on City of Newberry Annexations**

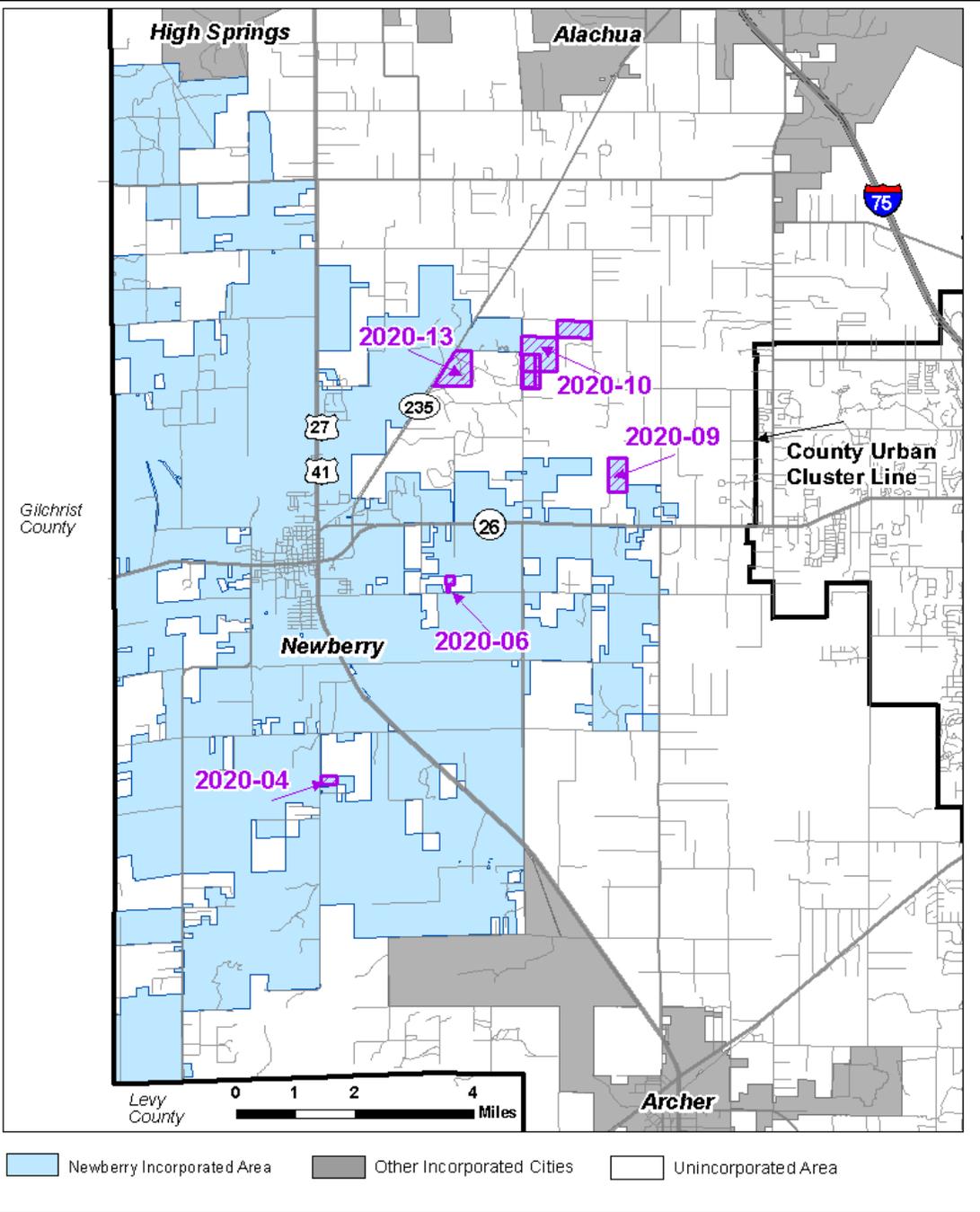
**February 22, 2021**

# Background

- City of Newberry adopted 11 annexations on April 27, 2020 and 2 additional annexations on June 8, 2020.
- County Commission initiated Chapter 164, F.S. conflict resolution process on 5 of the City's annexations on May 12<sup>th</sup> and June 23<sup>rd</sup> 2020 for failure to meet statutory requirements for contiguity, compactness, and/or creation of enclaves.
- County and City staffs held 9 conflict assessment meetings between June and November 2020 to identify and attempt to resolve issues of conflict.
- County and City staffs have been unable to reach a draft resolution to the conflict through the conflict assessment process.
- Per Statute, the City and County governing Boards must hold a joint meeting to discuss the issues and seek to resolve the conflict.

# City Annexations Subject to Conflict Resolution Process

- **Ord. 2020-04 - 19 acres**
  - Creation of new enclave within existing enclave
- **Ord. 2020-06 - 13 acres**
  - Creation of new enclave within existing enclave
- **Ord. 2020-09 - 80 acres**
  - Lack of compactness and contiguity
- **Ord. 2020-10 - 284 acres**
  - Lack of compactness and contiguity
- **Ord. 2020-13 - 120 acres**
  - Lack of compactness in combination with 2020-10

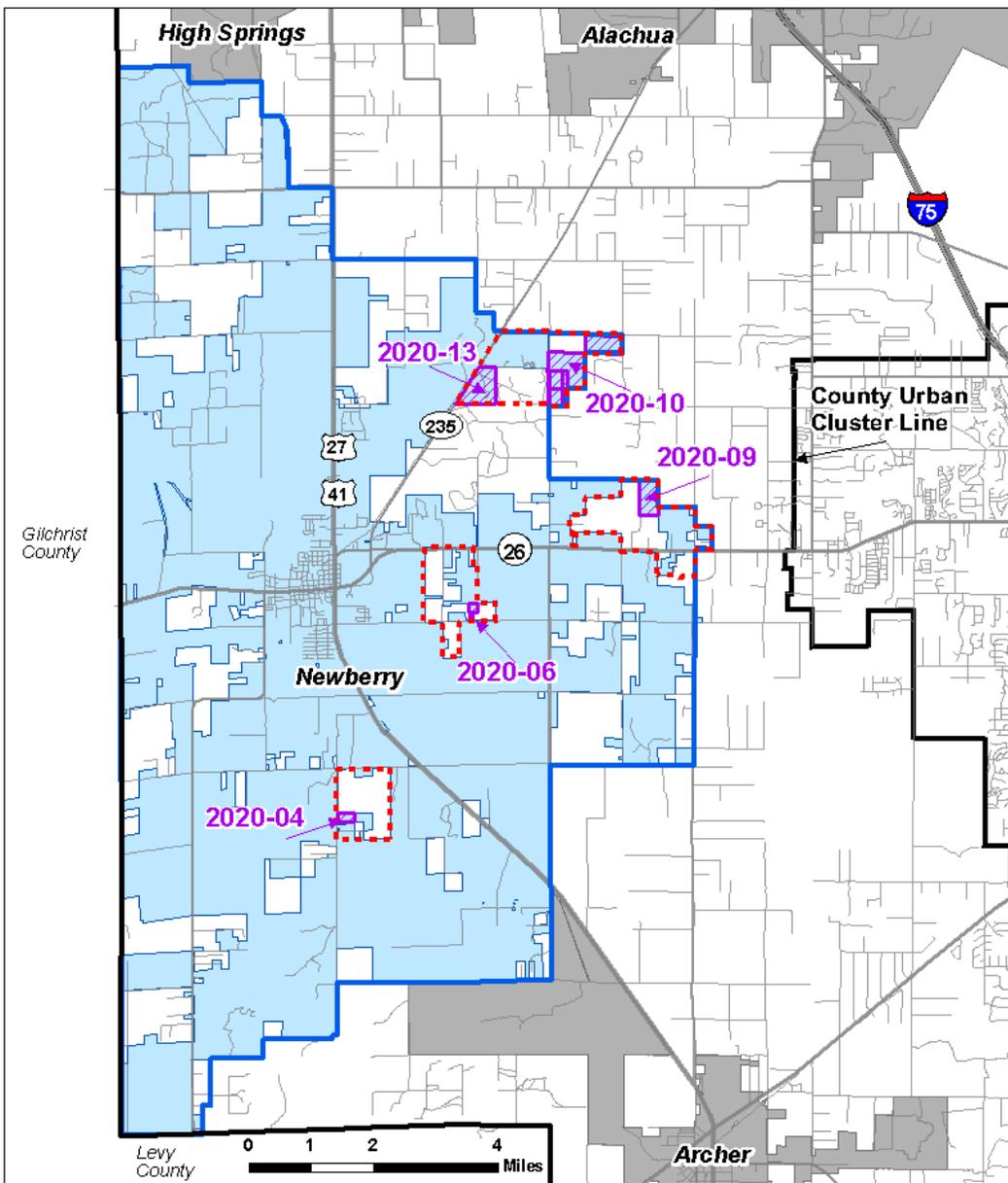


# Key Concepts Discussed in Conflict Assessment

*Chapter 164, Florida Statutes*

1. Need for City Annexation Plan/Outer Boundary for Annexation
2. No County objection to future annexation within four “Joint Planning Areas” (areas surrounding the five disputed annexations).
3. Road Maintenance Responsibility - Framework for transfer of maintenance responsibility from County to City for local-type roadways as annexation occurs.
4. Solid Waste Collection Efficiency within “Joint Planning Areas”
5. Fire Services

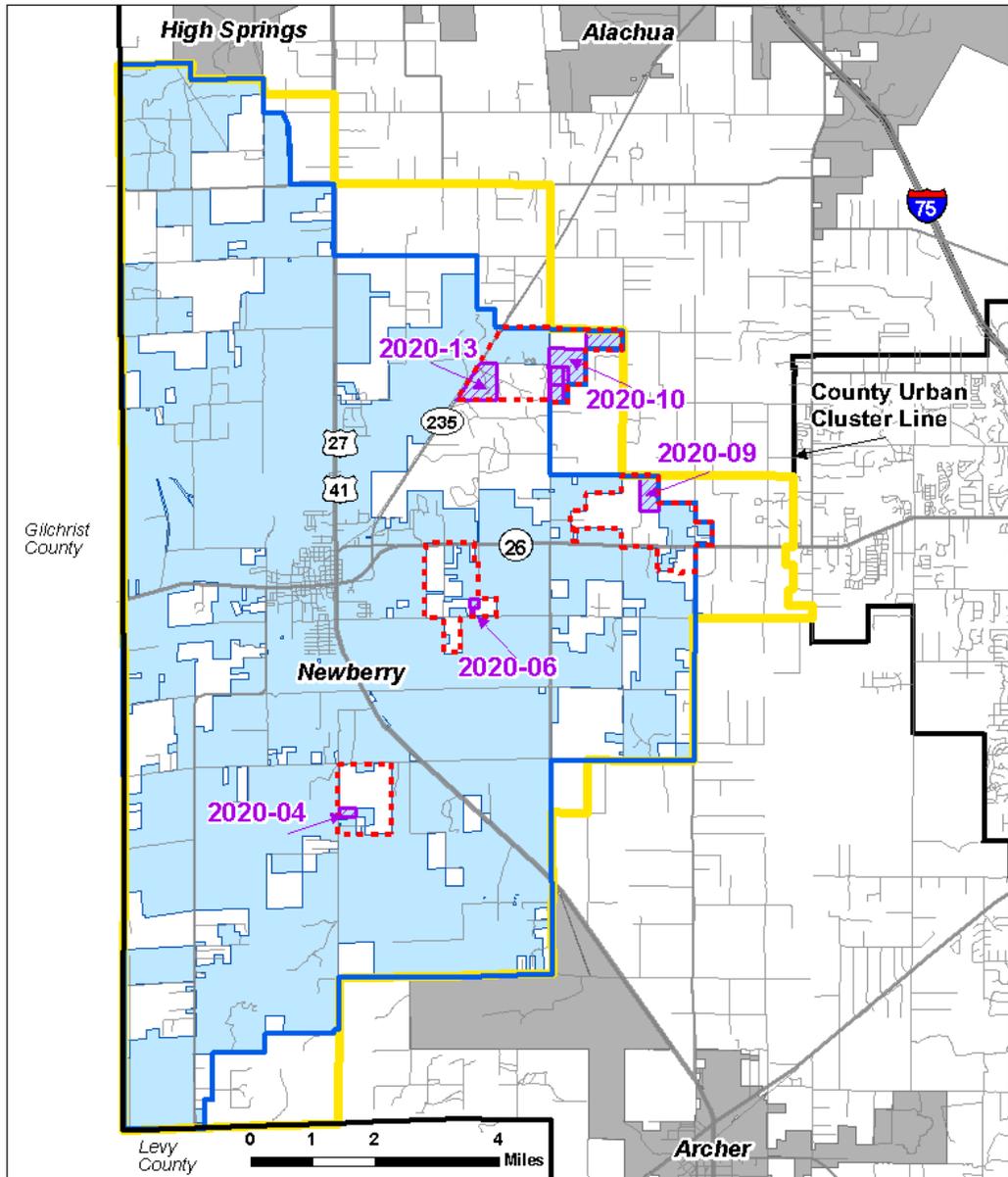
Outer Boundary for Future City Annexation  
Draft As Proposed by Alachua County Staff



# Outer Boundary for Annexation *County Staff Draft Proposal*

- **Annexation Boundary (Blue Line)** City would not annex outside boundary during term of agreement. Process for periodic review and adjustment of line.
- **Joint Planning Areas (Red Dashed Lines)** County would not object to annexations on basis of contiguity, compactness, or enclaves within these four areas.
- **Infill Areas** – Flexibility on annexation standards within existing unincorporated islands/pockets that are internal to City.

Outer Boundary for Future City Annexation  
County Staff Proposal and City Staff Counter Proposal



Draft Annexation Boundary - County Staff Proposal
  Draft Annexation Boundary - City Staff Counter Proposal  
 Draft Joint Planning Areas
  Newberry Incorporated
  Other Incorporated Cities
  Unincorporated

## Outer Boundary for Annexation *City Staff Counter-Proposal*

- Yellow line - Larger than County staff proposal by several thousand acres.
- Substantial outward extension of City's existing boundary in some areas.
- Would extend to western edge of unincorporated Urban Cluster boundary.
- County staff indicated it would not accept this counter proposal.

# Other Concepts Discussed in Conflict Assessment

## *Chapter 164, Florida Statutes*

1. Automatic annexation upon change in property ownership within the four “joint planning areas”.
  - No basis in Florida Statutes.
2. Prohibition on annexation of individual lots within platted subdivisions (i.e., effort should be made to annex full subdivision)
  - City staff does not agree.
3. Additional lead time for City notice to County on proposed annexations beyond minimum statutory requirements.
  - City staff were agreeable in concept; specific detail not resolved.

# 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 reached through the initial phase of the conflict resolution process, then a joint public meeting of the conflicting governing bodies is held.**
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.

# Staff Recommendation and Options

Consider the issues of conflict associated with the City's five annexations and provide direction to staff. Possible options include:

- (1) Direct staff to schedule additional joint meetings of the two governing Boards for purpose of seeking resolution of the conflict.
- (2) Direct County and City staffs to continue to seek resolution of the conflict through additional conflict assessment meetings.
- (3) Proceed to mediation phase as required by Chapter 164.

