



Alachua County Board of County Commissioners

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Administration
Randall H. Reid
County Manager

August 9, 2011

VIA Certified Mail Return Receipt

Honorable Larry Travis, Mayor
City of High Springs
110 NW 1st Avenue
High Springs, FL 32643

RE: Voluntary Annexation of Northend Homeland, LLC Parcel #01519-002-000

Honorable Mayor Travis,

The Alachua County Board of County Commissioners has reviewed the annexation proposed by the City of High Springs in Report to Owner Ordinance 2011-06, adopted by the High Springs City Commission on June 23, 2011. We understand that first reading of the Annexation Ordinance (Ord. #2011-08) was planned for July 28th and that adoption on second reading is planned for August 25th. The County Commission supports annexations that meet legal requirements that the area to be annexed be within the City's Reserve Area, be compact, contiguous to city boundaries and not create an enclave. This annexation though, would not comply with the prohibition against creation of enclaves because it would totally enclose the unincorporated parcels shown in red crosshatch on the attached map within High Springs municipal boundaries (a definition of enclave in the Boundary Adjustment Act (BAA) is "any unincorporated area which is totally enclosed within and bounded by a single municipality"); therefore at its meeting on August 9th the County Commission voted to respectfully request that the City not proceed with annexation of parcel 01519-002-000 as proposed because it would not meet legal requirements. (Section 225.10(5) of the Boundary Adjustment Act says "Land shall not be annexed through voluntary annexations when such annexation results in the creation of enclaves.")

We understand that the City Attorney and City staff have apprised the County's Annexation Team of the position that an enclave already exists in this area and that the proposed annexation would partially reduce this enclave and not create a new enclave. This is based on their interpretation of the part of the BAA definition of enclave that says "natural or manmade obstacles which prohibit the passage of vehicular traffic to the unincorporated area unless the traffic passes through the municipality" in combination with a municipal boundary, would result in an enclave: they have indicated that various fences, trees and dirt berms on unincorporated properties in the vicinity of this proposed annexation are such obstacles, but did not identify any caselaw to support this interpretation. The County's Annexation

Team has advised that Courts have found permanent obstacles, such as bodies of water or railroad lines to be the sort of “natural or manmade obstacles” meant by this part of the definition of enclave, but have not ruled that more easily removed things such as fences, trees and dirt berms are covered, and we do not agree that an enclave currently exists. It should be noted that the property proposed for annexation has been reviewed a couple of times in recent years and not annexed by the City because its annexation would create an enclave: When the County’s Annexation Team advised the City of High Springs attorney of the same problem in 2003, the property was removed from a larger annexation, and in 2008 when annexation of this property and the three adjacent properties immediately to the west was proposed, the City did not proceed with the annexation after the County’s Annexation Team noted it would create an enclave.

We request that the City not proceed with further public hearings on Annexation Ordinance #2011-08 until annexation of the unincorporated properties that would be made into an enclave can be coordinated with annexation of parcel 01519-002-000. Should the City proceed with second reading on this Ordinance in August, we would appreciate it if you would share this letter with the City Commission and include it in the record of the public hearing.

Please do not hesitate to contact me or County Manager Randall Reid, if you have any questions or require additional information. As always, we greatly appreciate the continued cooperation between the City of High Springs and Alachua County.

Sincerely,

Lee Pinkoson, Chair
Alachua County Commission

chr11.093
LP/BC/bc

Attachment: Maps of Proposed High Springs Annexation and Resulting Enclave

cc: Board of County Commissioners
Randall H. Reid, County Manager
Dave Wagner, County Attorney
Rick Drummond, Assistant County Manager
Thomas DePeter, Attorney, City of High Springs
Jenny Parham, City Manager, City of High Springs
Christian Popoli, City of High Springs Planner
Alachua County Annexation Team