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City Manager

..Title

Home Depot Annexation (NB)

..Explanation

As required by Florida Statutes 164.1055 the City and County staffs participated in a mediation regarding the Home Depot annexation. The law requires that the two governments issue a written agreement on the issues in conflict. The County Attorney's Office and City Attorney's Office prepared the following statement:

On August 4, 2000, Tom Pelham conducted the mediation as required by the Florida Governmental Conflict Resolution Act. The purposes of the session were to: 1) agree on a statement of issues; and 2) try to reach an amicable resolution of the issues. The statement of issues that were previously approved by the Board of County Commissioners and the Gainesville City Commission on June 5 were presented and agreed to by both parties.

In an attempt to resolve the issues, the following proposals were discussed by County and City staff during the mediation session:

A. The City proposed that the County agree to stay the litigation until January 31, 2001 to enable the City to convince National Development Corporation (NDC) to file (on behalf of the owners) a petition for voluntary annexation of the majority of Parcels #6654-3 and 6655-15. The petition would not violate any provisions of the Boundary Adjustment Act. The County proposed that in consideration of the City's proposal, the City agree to stipulate to the entry of an order quashing the City annexation ordinance if the NDC petition was not filed by January 31, 2001. No agreement was reached on this proposal.

B. The City then proposed that the County agree to stay the litigation until the City and the County ask the legislative delegation to introduce during the next legislative session a special act to eliminate problems created by the Home Depot annexation. The special act would annex into the City the remainder of the Shopping Center. No agreement was reached on this proposal.

C. The City also proposed that the County agree to stay the litigation pending a BAA involuntary annexation referendum of the shopping center and area in the vicinity of the shopping center. The County requested that the City agree to stipulate to the entry of an order quashing the annexation ordinance if the referendum failed. No agreement was reached on this proposal.

Home Depot's attorney attended the mediation and stated that Home Depot would oppose any action that deannexes their property from the City.

The results of the mediation process were reported to the Board of County Commissioners at its regular meeting of August 8, 2000. The Board of County Commissioners took no action.

If there is failure to amicably resolve the conflict between the City and County, the matter will proceed to litigation.

..Fiscal Note

None at this time.

..Recommendation

The City Commission receive the City Manager's report and take whatever action deemed appropriate to resolve the conflict..

Home Depot Mediation