

GAINESVILLE REGIONAL UTILITIES, CITY OF GAINESVILLE
ADMINISTRATIVE POLICY

TOPIC: CONSENT TO INCORPORATE POLICY

EFFECTIVE: November 14, 2000

The General Manager for Utilities and City Manager shall have the primary responsibility for implementing the Consent to Incorporate Policy. The City Manager shall have the responsibility for the implementation of incorporation of property into the Gainesville city limits.

PURPOSE

The City of Gainesville and Gainesville Regional Utilities find it to be in the long term best interest of the public to provide discretionary benefits in the form of grants in aid, or reduced general fund transfer levels from utility services (pursuant to the Administrative Guidelines for Negotiated Retail Electric Rates, effective October 1, 1997) for the purposes of economic development, utility customer retention, and/or public education or good will.

The City of Gainesville and Gainesville Regional Utilities find that it is appropriate to require incorporation into the city limits of Gainesville, in exchange for such discretionary benefits.

ELIGIBILITY

These discretionary benefits are not otherwise available rates, tariffs, or service connections or routine parts of operating a municipal government or utility system. They must be detailed in written agreements, and require City Commission Approval before they are awarded.

When such benefits are awarded it is City Commission policy to require the recipient of the discretionary benefits to consent, or cause to consent to be incorporated into the City of Gainesville's corporate limits. When the recipients of such benefits are located in any area eligible and legal for annexation into Gainesville, consent to incorporate must be signed.

IMPLEMENTATION

Incorporation into Gainesville will take place when the property meets the requirements for annexation, as such criteria may be defined under the laws of Florida. When the property meets the requirements, the owner will apply for annexation into the corporate limits of the City of Gainesville, Florida.

The recipient will take affirmative action to achieve annexation, and failing that, the Mayor of the City of Gainesville empowered by the designation of attorney-in-fact will



CITY OF GAINESVILLE

Office of the City Manager

December 13, 2000

Mr. Randall H. Reid
County Manager
Alachua County
Post Office Box 2877
Gainesville, Florida 32602-2877

Dear Randy:

Several months ago, the City Commission authorized Gainesville Regional Utilities to make an additional donation to the Summer House construction project at the Kanapaha Botanical Gardens. In addition, the Commission requested that as part of the grant that the Kanapaha Botanical Gardens consent to annexation when legally permissible. Since the Kanapaha Botanical Gardens are located on leased property, Alachua County as the property owner would have to consent to the annexation commitment. You have indicated to me that Alachua County has declined to make an annexation commitment for this property based on two objections: 1) The City does not have a standard policy for requiring annexation agreements from GRU customers receiving special benefits, and 2) the County is opposed to entering into a three party annexation agreement with the City and Kanapaha Botanical Gardens.

In order to address the first County concern, the City Commission on November 13, 2000, approved the enclosed Consent to Incorporate Policy. This new policy insures that all future recipients of GRU discretionary benefits will be treated the same relative to annexation. As I indicated during our meeting on November 30, the City is prepared to enter into a two party agreement with Alachua County concerning annexation of the Kanapaha Botanical Gardens property. As an alternative to entering into such an agreement, I proposed that the County simply sign an annexation petition for the property since it will soon be contiguous to the City limits when annexation of City owned property to the north is completed. The projected completion date for the annexation of City owned property is April 2001. I have enclosed a map delineating the City property now being annexed and the contiguous County owned property that contains the Kanapaha Botanical Gardens. Please review this information and should you have any questions, contact me.

The City is eager to resolve this issue in order to complete our financial contribution to the Summer House project.

Sincerely,

Wayne Bowers
City Manager

WB/jh

Cc: Don Goodman, Director, Kanapaha Botanical Gardens
Michael L. Kurtz, General Manager for Utilities
Heidi Lannon, Interim OMB Director

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COUNTY MANAGER'S OFFICE

execute the appropriate annexation procedures necessary to accomplish the annexation. The consent to incorporate shall be binding upon the heirs, successors and assigns and recorded in the public records of Alachua County, Florida. The City Commission may waive any requirement of this policy for a specific amount of time upon good cause shown in the best interest of the City of Gainesville.


MONITORING

The General Manager for Utilities will review all agreements with customers for application of this policy. The City Manager will review the consent to incorporate agreements to determine contiguity and annexation potential, at least annually.

APPROVED by the Gainesville City Commission on the 13th day of November, 2000.

CITY OF GAINESVILLE

GAINESVILLE REGIONAL UTILITIES



Wayne Bowers
City Manager



Michael L. Kurtz
General Manager for Utilities



Board of County Commissioners

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

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January 12, 2001

Commission

Dave Newport
Chair

Robert Hutchinson
Vice Chair

Mike Byerly

Rodney J. Long

Penelope Wheat

Administration

Randall H. Reid
County Manager

Wayne Bowers, City Manager
City of Gainesville
P.O. Box 490
Station 19
Gainesville, Florida 32602

Dear Wayne,

In response to your letter of December 13, 2000 regarding Kanapaha Botanical Gardens. This request is being forwarded to the County's annexation team to assure no enclave is created by this annexation. It appears it does not.

In addition, I am concerned that the status quo be maintained as to any future development or operations of County facilities at the property. It is my understanding that both the City and County review plans and issues permits, however, no fee is assessed to the County and inspection responsibility remain the County's responsibility. I am sure the Board of County Commission does not want an inordinate amount of costs being charged to the County due to annexation.

I will support recommending the annexation of this property, pending review by our annexation team. This will go to the Board in January pending review.

In Public Service,

Randall H. Reid
County Manager

cc: Board of County Commissioners
Don Goodman, Director, Kanapaha Botanical Gardens

RHR/smb

OK



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Board of County Commissioners

Commission

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Administration

Randall H. Reid
County Manager

November 19, 2001

Wayne Bowers, City Manager
City of Gainesville
P.O. Box 490, Station 19
Gainesville, Florida 32602



Dear Mr. Bowers:

As you know, the Board of County Commissioners reviewed the proposal to annex the County property containing the Kanapaha Botanical Gardens into the City of Gainesville at its meeting of October 9, 2001. At the conclusion of that discussion, the Board directed the County staff begin a negotiation process for the development of an annexation agreement for this property. In doing so, the Board asked that the issues below be addressed in those discussions.

- Compactness and the orderly transition/annexation of this and surrounding properties into the City.
- Treatment of the County property with respect to several issues, including: (a) the County's continued ownership and control of the Kanapaha Botanical Gardens Property; (b) that no building inspection fees to be assessed to the County, the County and City review plans, and inspection responsibility remain with the County, as indicated in your letter of February 14th; (c) that no fees be assessed under the City's Stormwater Management Utility; (d) the terms of additional extensions of potable water and sanitary sewer facilities by Gainesville Regional Utilities to other portions of the County property; (e) provision of transit service by the Regional Transit System to the property and increased service to the Archer Road corridor.
- Provision by the City of a timetable for annexation of surrounding properties and the preparation of an Urban Services Report for this and surrounding properties the City will be considering for annexation.
- Negotiations with the City should include a timetable by which this property and future annexations will be proposed in compliance with the County's annexation policies, particularly with respect to developing a



November 19, 2001

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density triggered annexation program as indicated in Item #8 of the County's approved Annexation Policy. (Please see the attached Annexation Policy: Statement of Principles)

We look forward to working with you on this matter. Please contact Mark J. Hill, Assistant County Manager, who will serve as the County's staff for this process. As always, we greatly appreciate the close cooperation between the City and the County.

Sincerely,



Dave Newport, Chair
Alachua County Commission

file no.: chr02.025

Attachment

cc: Board of County Commissioners
Randall H. Reid, County Manager
Mark J. Hill, Assistant County Manager
Don Goodman, Director, Kanapaha Botanical Gardens

ALACHUA COUNTY ANNEXATION POLICY: STATEMENT OF PRINCIPLES

(Approved by County Commission, 9/26/00)

The basic principles of Alachua County relative to annexation are:

1. Protect the health, safety and welfare of all County residents;
2. Respect private property owners' right to have their property voluntarily annexed into a municipality in accordance with law;
3. The County must oppose annexations which do not meet the requirements of general law or the Alachua County Boundary Adjustment Act;
4. Any changes in Urban Reserve Areas established under the Boundary Adjustment Act shall be considered only through a process providing for full participation by all affected parties;
5. Support the elimination of enclaves through annexation or contraction procedures; annexations which reduce but do not eliminate a pre-existing enclave are encouraged as long as all other legal requirements are met and impact on delivery of services to property remaining in the enclave is evaluated with full information on such impacts provided to all concerned parties;
6. Coordinate land use planning to provide for the best long term interests of the County's citizens;
7. Early consultation and sharing of information on annexation proposals is mutually beneficial to the municipality considering the annexation and the County to help reduce potential conflicts.
8. The County supports the orderly transition of those areas with significantly urban character into the jurisdiction of adjacent municipalities. A policy should be developed, in coordination with municipalities, to establish criteria for each municipality, such as minimum residential densities or extent of other urban development patterns and uses within the municipality and the area to be annexed; and the ability of the municipality to provide necessary public facilities and services, to facilitate the annexation of such areas. These criteria could serve as a basis for revisions to the Boundary Adjustment Act, as necessary, and appropriate amendments to the Comprehensive Plans of the County and municipalities.
9. Annexations should not be functionally devoid of connections between the annexed area and adjacent areas to which they are logically and geographically connected.