



Legislation Text

File #: 170446., **Version:** 1

Alachua County and City of Gainesville Settlement Agreement and Agreement for Interlocal Cooperation and Joint Planning Agreement (B)

A request to approve or amend an agreement with Alachua County to settle the challenges they have brought in regard to two annexations approved by the City Commission.

On Tuesday, October 3, 2017, the Alachua County Commission approved a settlement agreement between the City of Gainesville and Alachua County. The County contested two annexed properties: one based on their premise of enclave creation and one based on consistency with our Comprehensive Plan. Within the last week, city and county staff have been working on a “settlement” agreement. The pace of the drafting has been remarkable and continued into late in the day on Monday, October 2, 2017.

In summation, the agreement will have the county withdraw the contested status of both properties based on an agreement to share (75/25 county/city split) mobility fees (transportation fees, not transit fees) that would be collected when the property develops within the City and to apply those funds to building certain specified projects. The fees will be used to help fund the construction of SW 8th Avenue corridor between Tower Rd and SW 20th Ave, and beyond these projects if sufficient collected funds remain to complement the funding for the County’s proposed widening of the SW 20th Avenue bridge generally between SW 61st Street and SW 52nd Street.

The funds will be paid to the County on a reimbursement basis after road construction work has been completed. If the construction work has not been completed within six years of the funds having been received by the City the funds will remain with the City.

Background: On February 16, 2017, the City adopted Ordinance No. 160216, which, at the request of the property owner, annexed approximately 100 acres of property into SW Gainesville, commonly referred to as Finely Woods.

On February 28, 2017, the County adopted Resolution No. 2017-28, which initiated the intergovernmental conflict resolution procedures set forth in Chapter 164, Florida Statutes, and alleged that the annexation did not meet the requirements for annexation set forth in Chapter 171, Florida Statutes.

On March 2, 2017, the City adopted Ordinance No. 160398, which changed the land use categories of approximately 157 acres of property in SW Gainesville, following voluntary annexation into the City in June 2016, from County to City land use categories, commonly referred to as the Weseman Property

On April 3, 2017, the County filed an administrative challenge petition (Florida Division of Administrative Hearings Case No. 17-1992GM) pursuant to Section 163.3184(5), Florida Statutes, and alleged that the Land Use Change of the Weseman Property is not “in compliance” as set forth in Section 163.3184(1)(b), Florida Statutes, and that the County has a substantial interest by reason of future impacts on and the increased need for County transportation infrastructure to serve the potential future development within the City.

Per the requirements of state statute, the city and county met to seek a settlement on the contested annexations. When no settlement was reached, a joint meeting of the Alachua County Commission and the City of Gainesville City Commission was held on August 14, 2017. The Commissions voted to direct staff to move forward with the drafting of a Joint Planning Agreement to address annexation. Staff has met on two occasions to discuss the Joint Planning Agreement and have scheduled additional meetings to continue to work on an agreement.

In September, the City requested an expedited hearing process for the comprehensive plan challenge to the Weseman property. Staff has been preparing for this hearing date set for October 16 and 17. The hearing will not be required if the City approves the agreement.

If approved, City staff will bring to the Commission amendments to the Transportation and Capital Improvement Elements of the Comprehensive Plan.

The agreement specifies that transportation mobility fees be allocated toward two agreed upon improvements to the transportation network. The amount of the fees is unknown at this time because fees are determined at the time of Development Order approval. An estimate of the fees, based on the land use designation of the properties would be

Finely Woods	\$7,550,262.50
Weseman	\$ 936,540.00

The City Commission approve the agreement as drafted.