



April Fisher, AICP
PRESIDENT
407.494.8789
fisherpds@outlook.com

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Belle Isle Annexation Report: Certain Rights-of-Way

Area of Analysis

This report evaluates Belle Isle's annexation of rights-of-way that are compact and contiguous to the City of Belle Isle but currently in the jurisdiction of Orange County. The specific area is Judge Road between Conway Road and Daetwyler Drive; Daetwyler Drive between Judge Road and McCoy Road; and McCoy Road between Daetwyler Road and Via Flora. These roadways are bordered by properties within the jurisdiction of Belle Isle on both sides of the roadway.

In 2020, the subject rights-of-way were transferred to the City of Belle Isle for maintenance and operation through an interlocal agreement with Orange County. This voluntary annexation is consistent with this transfer of roadway and will further enable the City to set desired speed limits along these roads and provide police public safety and enforcement services.

Annexation Laws Applicable to this Request

The State of Florida empowers municipalities to annex properties into its jurisdiction under specific criteria and conditions. In this case, a voluntary annexation, governed solely by Sec. 171.044, Florida Statutes (2020), as the property owner is seeking annexation.

According to Section 171.044, Florida Statutes, a voluntary annexation is when a property owner petitions the municipality to annex their property; in this case, it is the City itself. Voluntary annexations are not required to following the provisions of Florida Statutes for involuntary annexations, such as a referendum or detailed urban services report.

If a property is contiguous to the jurisdictional boundaries of the municipality and reasonably compact and the property owner initiates the process, the municipality may annex the property at any regular meeting through an ordinance, upon determination by the City that the petition includes the signatures of all owners of the property, and after the proposed notice of the annexation has been published at least once each week for 2 consecutive weeks in the newspaper.

Enclaves cannot be created through the voluntary annexation process. Enclaves are where unincorporated properties that are improved or developed and enclosed within and bounded on all sides by a single municipality; or an unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that

allows the passage of vehicular traffic to that unincorporated area only through the municipality.

At least 10 days prior to publishing or posting the required ordinance notice, the City must provide a copy of the notice, via certified mail, to the board of the county commissioners of Orange County. It is important to note that the law provides that if this notice is not given, it may be the basis for a cause of action invalidating the annexation.

Recommended Actions

Staff recommends that City Council adopt an ordinance annexing the rights-of-way to include Judge Road between Conway Road and Daetwyler Drive; Daetwyler Drive between Judge Road and McCoy Road; and McCoy Road between Daetwyler Road and Via Flora.

This recommendation is based on the proposed annexation complying with Section 171.044, Florida Statutes, which governs the voluntary annexation process. The road segments are developed for urban purposes and surrounded by urban development. The proposed annexation meets the requirements of voluntary annexation in the following ways:

1. The property owner is the City of Belle Isle (as the roadways were previously transferred by interlocal agreement).
2. The subject property is contiguous to the City of Belle Isle.
3. The annexation does not create an enclave.