

September 27, 2021

Belle Isle Annexation Report

Sienna Place Condominiums

Area of Analysis

This report looks at the opportunities for expansion of Belle Isle's municipal boundaries through annexation of properties known as Sienna Place Condominiums, located north of the intersection of Conway Road and Hoffner Avenue. The area is compact and contiguous to the existing boundaries of the city consistent with statutory requirements. Currently, the City of Belle Isle extends its jurisdiction on the West side of Conway Road, North of Hoffner Avenue to the Sienna Place Condominiums and South of Hoffner to Judge Road. It is logical that the City of Belle Isle would desire to annex the improved and developed property known as Sienna Place Condominiums.

Annexation Laws and Options to Effectuate

The State of Florida empowers municipalities to annex properties into its jurisdiction under specific criteria and conditions.

- a) Florida Statutes 171.0413 sets out the process and procedures for municipal annexation that requires public hearings and voter referendum. This is also referred to as involuntary annexation. Strict requirements are set out for this form of annexation that involves the proposed area meeting urban development criteria, a report to the State regarding justification for annexation, followed by voter referendum on the annexation. This form of annexation may be required if all signatures of each individual condo cannot be obtained for voluntary annexation.
- b) Voluntary annexation requirements and process are defined in Section 171.044. A voluntary annexation is when a property owner petitions the municipality to annex their property. 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. To voluntarily annex the Sienna Place Condominiums, all property

owners would need to authorize the City to annex. This means authorization from each individual condo owner.

It is highly likely, due to the number of property owner, that a voluntary annexation process is not possible. The voluntary annexation process requires signatures of all property owners in the area proposed to be annexed.

- c) The involuntary annexation process involves key steps that must be carried out before the annexation is complete. These steps are outlined below:

An ordinance proposing to annex must be adopted by the City Council under a regular ordinance public hearing process. Prior to the adoption of the ordinance of annexation, at least two advertised public hearings are required. The first shall be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing shall be held on a weekday at least 5 days after the day that the second advertisement is published. Prior to the ordinance of annexation becoming effective, a referendum on annexation shall be held and, if approved by the referendum, the ordinance shall become effective 10 days after the referendum or as otherwise provided in the ordinance, but not more than 1 year following the date of the referendum.

The referendum (excerpted from Florida States, Sec. 171.0413):

- a. Following final adoption of the annexation ordinance, it shall be submitted to a vote of the registered electors of the area proposed to be annexed. City Council may also choose to submit the ordinance to a separate vote of the registered electors of the entire City.
- b. The referendum on annexation shall be held at the next regularly scheduled election following final adoption of the ordinance or at a special election for the referendum. Whether held at a regularly scheduled election or at a special election, the referendum shall not be held sooner than 30 days following the final adoption of the ordinance.
- c. City Council must publish notice of the referendum at least once each week for 2 consecutive weeks immediately before the date of the referendum in a newspaper of general circulation in the area in which the referendum is to be held. The notice shall give the ordinance number, the time and places for the referendum, and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.
- d. On the day of the referendum a copy of the ordinance must be prominently displayed at each polling place and a description of the property proposed to be annexed. The description shall be by metes and bounds and shall include a map clearly showing such area.
- e. Ballots or mechanical voting devices used in the referendum must offer the choice "For annexation of property described in ordinance number

of the City of " and "Against annexation of property described in ordinance number of the City of " in that order.

- f. If the referendum is held only in the area proposed to be annexed and receives a majority vote, or if the ordinance is submitted to a separate vote of the registered electors of the annexing municipality and the area proposed to be annexed and there is a separate majority vote for annexation in the annexing municipality and in the area proposed to be annexed, the ordinance of annexation shall become effective on the effective date specified therein. If there is any majority vote against annexation, the ordinance shall not become effective, and the area proposed to be annexed shall not be the subject of an annexation ordinance by the annexing municipality for a period of 2 years from the date of the referendum on annexation.

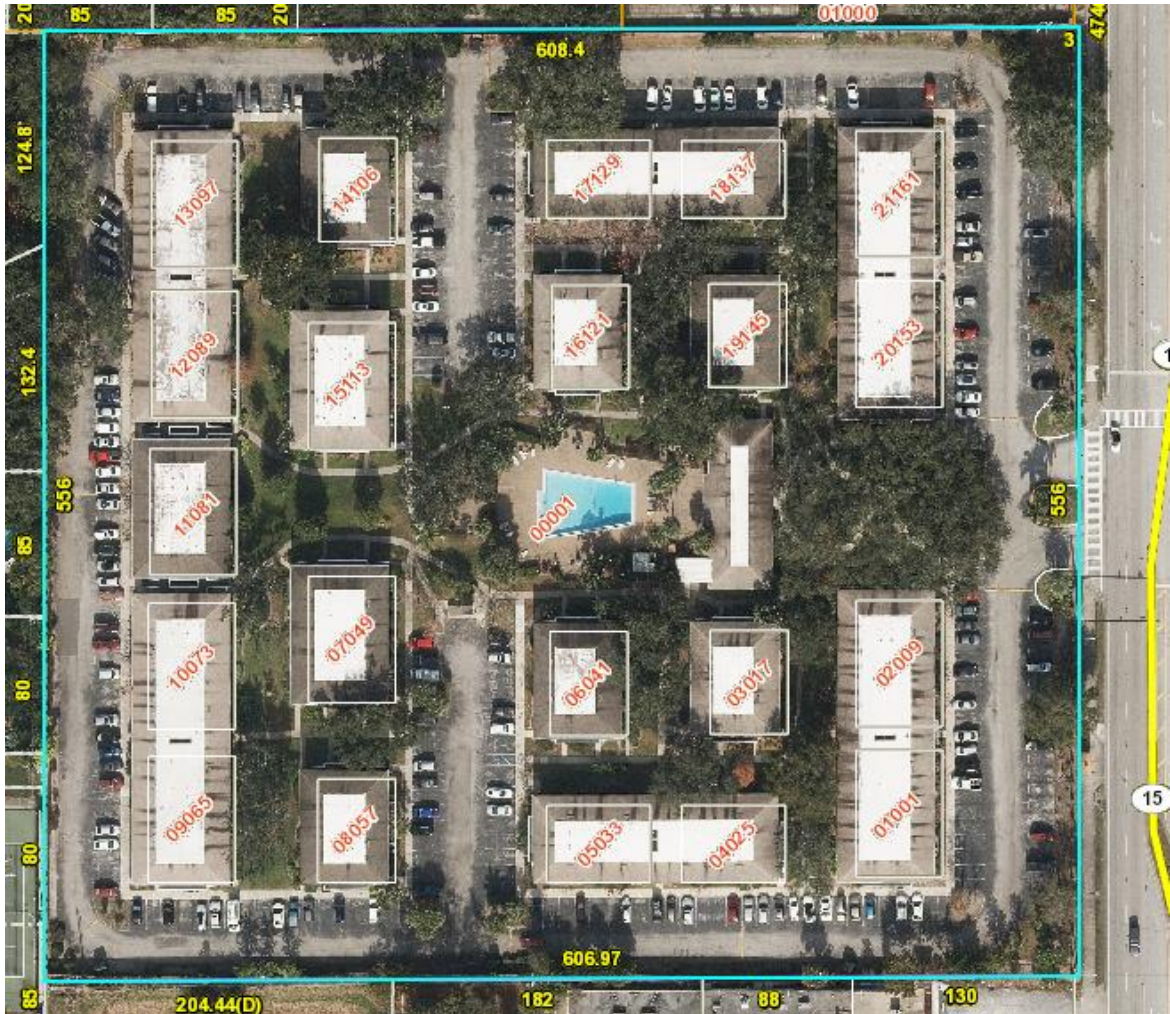
Description of Prospective Properties

There are 168 condo units in Sienna Place, that are currently in unincorporated Orange County jurisdiction. A OCPA screen snapshot of these properties is below. This area to be annexed meets the criteria in s. 171.043.



Sienna Place Condominiums

Sienna Place Condominiums- Enlarged View



A total of approximately \$169,448 in Ad Valorem revenue annually would be realized if these properties annex into the City. Additionally, the stormwater fee would be collected for each property.

Water and sewer are provided by other authorities; therefore, Belle Isle does not propose any water mains and sewer interceptors and outfalls. The city does have a stormwater management system, and police services. These municipal services will be provided to Sienna Place Condominiums upon annexation.

The existing land use pattern surrounding the area proposed to be annexed is urban and includes residential and commercial uses.

Recommended Actions

The steps recommended below may be carried out simultaneously, concurrently, or independently of each other, as the city desires.

Step 1- Beginning with a voluntary annexation program, inviting property owners to seek annexation into the City of Belle Isle, is the recommended first step of the annexation process for this area. This can include an annexation program that sends an invitation letter to the prospective property's owner(s) that explains the opportunity and advantages of annexing into Belle Isle, such as the low Ad Valorem tax rate compared to the City of Orlando (4.4018 Millage Rate vs. 6.65 Millage Rate), police protection services, and stewardship of Lake Conway. The property owner can complete the appropriate paperwork to initiate the annexation and the process can be completed relatively quickly. Please note that a meeting has already been completed with residents and this step may have already been exhausted.

Step 2- Prepare for and conduct an Involuntary annexation process. This process will take time and budgeted funding for cost associated with the required voter referendum. If this process is selected as the best course of action by City Council, a timeline should be developed to coordinate the required involuntary annexation requirements identified above in concert with the next available regular scheduled election. If this timeline is not realistic, City Council may decide to hold a special election for the referendum on annexation.

Please note that per Florida Statute Sec. 171.042, no fewer than 15 days before starting the annexation procedures under s. 171.0413, City Council must file a copy of this report with the Orange County Board of County Commissioners. Failure to comply with this may be the basis for a cause of action invalidating the annexation.

Also, City Council must mail a written notice of the proposed annexation to each person who resides or owns property within the area proposed to be annexed at least 10 days before the first public hearing. The notice must describe the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. A copy of the notice must be kept available for public inspection during the regular business hours of the office of the clerk of the governing body.