

RESOLUTION NUMBER 24-38

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; APPROVING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR PROVISION OF CITY WATER SERVICE TO NON-CONTIGUOUS REAL PROPERTY LOCATED AT 37250 BEACH DRIVE, UMATILLA, FLORIDA; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dennis Robinson and and Charmaine Robinson (Kaiser) are the Owners of real property located at 37250 Beach Drive, Umatilla, Florida, (the "Property"), more particularly described and depicted in the Annexation Agreement (the "Agreement") attached hereto and incorporated herein by reference (Parcel ID No.: 26-18-26-0600-000-05300); and

WHEREAS, the Property is presently situated in the unincorporated territory of Lake County and outside the corporate limits of the City; and

WHEREAS, the Owners have requested the City provide water service to the Property; and

WHEREAS, the City has reviewed the location of the Property and determined that municipal water services are available from an existing main; and

WHEREAS, the Owners acknowledge the City's water and sewer rates for users outside the City limits are higher than the rates charged for users within the City; and

WHEREAS, the Owners acknowledge and agree that the City could suffer a loss of revenue and may be unable to ensure adequate services to its own residents if Owners were to receive City utilities without the condition of executing this Agreement; and

WHEREAS, the Owners acknowledge that the condition of executing this Agreement prior to obtaining City utilities from the City is a reasonable and lawful condition as determined by the Florida Supreme Court in *Allen's Creek Properties, Inc. v. City of Clearwater*, 679 So.2d 1172 (Fla. 1996); and

WHEREAS, in consideration of the City providing water service to the Property, the Owners desire to voluntarily petition the City to annex the Property under Section 171.044, Florida Statutes; however, at this time the City cannot annex the Property because it does not currently meet the statutory requirements for voluntary annexation pursuant to Section 171.044, Florida Statutes; and

WHEREAS, the parties acknowledge and agree that the Agreement constitutes a petition for voluntary annexation of the Property pursuant to Section 171.044, Florida Statutes; and

WHEREAS, the Owners agree that at the time the City determines the Property

meets the voluntary annexation requirements pursuant to Section 171.044, Florida Statutes, and the City determines annexation of the Property is in the City's best interests, the Owners shall proceed with the voluntary annexation of the Property and pay all applicable fees, costs, and expenses associated therewith; and

WHEREAS, the Agreement shall run with the land, shall be binding upon and inure to the benefit of the Owners and its assigns and successors in interest and the City and its assigns and successors in interest; and

WHEREAS, the Owners and the City desire to enter into the Agreement for the purposes expressed therein; and

WHEREAS, the City Commission has determined that execution of the Agreement is in the City's best interest.

NOW, THEREFORE, BE IT RESOLVED by the Eustis City Commission as follows:

SECTION 1. The Mayor is authorized to execute the Annexation Agreement between the City of Eustis and Dennis Robinson and Charmaine Robinson (Kaiser). A copy of said Agreement being attached hereto and incorporated herein by reference.

SECTION 2. A certified copy of this Resolution and the executed original Annexation Agreement shall be recorded in the Public Records of Lake County, Florida.

SECTION 3. That this Resolution shall be effective immediately upon adoption.

DONE AND RESOLVED this 18th day of July 2024 in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 18th day of July 2024, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me and who personally appeared before me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-38 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk