

RESOLUTION NUMBER 24-62

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ADOPTING A STANDARD ANNEXATION AGREEMENT FORM FOR CONTIGUOUS AND NON-CONTIGUOUS PROPERTY OWNERS DESIRING TO UTILIZE CITY UTILITY SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 180, Florida Statutes, authorizes but does not mandate that municipalities extend their utility services to unincorporated areas within the general vicinity of the municipality; and

WHEREAS, the City of Eustis' utility systems are capable of servicing areas within the City and some areas outside the City limits; and

WHEREAS, the City adopted Ordinance 08-09 wherein it addressed establishment of City water or sewer services for developers requesting City utilities. Specifically, any arrangement for City utility services for properties within or outside City limits must be in the form of a written developer's agreement and must be approved by the City Commission on terms and conditions agreeable to the City Commission. Said terms may include, but are not limited to, compliance with all current City codes, regulations, requirements, and an obligation to annex into the City if not already annexed; and

WHEREAS, the City has received increased requests by individual property owners for use of City utility services for both contiguous and non-contiguous properties; and

WHEREAS, the City desires to establish a similar, yet more streamlined procedure for individual property owners who are seeking connection to available City utility services; and

WHEREAS, the Florida Supreme Court in *Allen's Creek Properties, Inc. v. City of Clearwater*, 679 So.2d 1172 (Fla. 1996), held it is a reasonable and lawful condition for a municipality to require property owners to execute annexation agreements prior to obtaining utilities from the municipality; and

WHEREAS, annexation agreements may be executed both for properties that are contiguous and properties that are not contiguous to the City limits to enable the property owner use of the City's utility services prior to the actual annexation of the property into the City of Eustis; and

WHEREAS, the City could suffer a loss of revenue and may be unable to ensure adequate services to its own residents if property owners were to receive City utilities without the condition of executing annexation agreements; and

WHEREAS, the City Commission finds it is in the City’s best interests to require execution of annexation agreements by property owners currently outside City limits that are requesting to connect to available City utilities.

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

SECTION 1. The annexation agreements attached to this Resolution as Exhibits A and B, and made a part hereof, are to be executed by property owners located in Lake County who desire to use City utilities:

Exhibit A: Annexation Agreement – Municipal Services for Non-Contiguous Property

Exhibit B: Annexation Agreement - Municipal Services for Contiguous Property

SECTION 2. The City Manager is hereby authorized to execute the annexation agreements.

SECTION 3. The City Attorney shall prepare an Ordinance to codify this procedure in the City’s Code of Ordinances, and shall prepare any other documents necessary to give this Resolution and the attached annexation agreements full effect.

SECTION 4. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 5. 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.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-62 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