

## RESOLUTION NUMBER 2026-59

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; APPROVING THE EXECUTION OF AN ANNEXATION AGREEMENT AND APPLICANT'S AGREEMENT FOR PROVISION OF CITY WATER SERVICE TO NON-CONTIGUOUS REAL PROPERTY LOCATED AT 110 FRUITWOOD AVENUE (ALTERNATE KEY 3878119), EUSTIS, FLORIDA; AUTHORIZING EXECUTION; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Dennis Martin is the Owner of real property located at 110 Fruitwood Avenue, Eustis, Florida, (the "Property"), more particularly described and depicted in the Annexation Agreement (the "Agreement") attached hereto and incorporated herein by reference (Parcel ID No.: 07-19-27-0800-000-00800); and

**WHEREAS**, the Property is presently situated outside of the corporate limits of the City of Eustis; and

**WHEREAS**, the Owner has requested the City provide utility services to the Property; and

**WHEREAS**, City staff has determined that City potable water service is available to the Property, subject to execution of the Agreements and compliance with all applicable City requirements for utility connection and service; and

**WHEREAS**, the Owner acknowledges the City's water rates for users outside the City limits are higher than the rates charged for users within the City; and

**WHEREAS**, the Owner acknowledges and agrees 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 City Commission finds that approval of the Agreements is in the public interest and promotes the orderly extension of municipal utility services while preserving the City's future annexation policies; and

**WHEREAS**, the Owner acknowledges 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 utility service to the Property, the Owner desires 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 Owner agrees 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 Owner 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 Owner and its assigns and successors in interest; and

**WHEREAS**, the Owner 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 City Commission approves the Annexation Agreement and Applicant's Agreement substantially in the forms attached hereto. The Mayor is authorized to execute the Agreements between the City of Eustis and Dennis Martin, together with such non-substantive revisions as may be approved by the City Attorney. A copy of said Agreement being attached hereto and incorporated herein by reference.

**SECTION 2.** Following execution, a certified copy of this Resolution and the Annexation and Applicant's Agreements shall be recorded in the Public Records of Lake County, Florida, at the Owner's expense.

**SECTION 3.** Nothing contained in this Resolution or the Agreements shall be construed as approving any development order, land use entitlement, zoning approval, permit, or future annexation of the Property. Any future annexation shall require separate action by the City Commission in accordance with applicable law.

**SECTION 4.** That this Resolution shall be effective immediately upon adoption.

**DONE AND RESOLVED** this 16<sup>th</sup> day of July 2026 in regular session of the City Commission of the City of Eustis, Florida.

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

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Emily A. Lee  
Mayor/Commissioner

**ATTEST:**

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Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16<sup>th</sup> day of July 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

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Notary Public - State of Florida  
My Commission Expires:  
Commission #:

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

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City Attorney's Office

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 2026-59 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.

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City Clerk's Office