

**VOLUNTARY
ANNEXATION
PROCEDURES**



JANUARY, 2005

**CITY OF PALM BAY
GROWTH MANAGEMENT DEPARTMENT**

VOLUNTARY ANNEXATION PROCEDURES

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VOLUNTARY ANNEXATION PROCEDURES

A. GENERAL STEPS

STEP #1 (Petition)

Property owner petitions the City for annexation (Sample “*Petition*” attached as APPENDIX A).

STEP #2 (Verification)

City staff verifies that the petition contains the signatures of all property owners included in the request for annexation (Sample “*Verification*” attached as APPENDIX B).

STEP #3 (Advertisement)

The notice of annexation must be published at least one time per week for two consecutive weeks in a local paper. The notice must identify the ordinance number, a brief description of the area proposed for annexation, 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 (Sample “*Advertisement*” attached as APPENDIX C).

STEP #4 (Ordinance)

The City must adopt a non-emergency ordinance annexing the property. The ordinance must include a map clearly showing the annexed area and a complete legal description of that area by metes and bounds (Sample “*Ordinance*” attached as APPENDIX D).

STEP #5 (Filing)

The adopted ordinance must be filed with the Clerk of the Circuit Court, the Chief Administrative Officer of Brevard County, and the Florida Department of State within seven (7) days following adoption.

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B. STAFF RESPONSIBILITIES

1. Determine that the property is eligible for annexation pursuant to Chapter 171.044, Florida Statutes.

*CANNOT BE WITHIN ANOTHER MUNICIPALITY.

*MUST BE CONTIGUOUS TO THE CITY LIMITS.

*MUST BE REASONABLY COMPACT.

*CANNOT CREATE AN ENCLAVE.

*MUST BE WITHIN BREVARD COUNTY.

2. Determine that the petition includes the signatures of all property owners within the area to be annexed. The names must match those on the deed(s). Utilize the format depicted in Appendix A.

3. Prepare the metes and bounds description from the survey of the property. Be sure to include all areas to be annexed including road right-of-way, canals, water bodies, and etcetera. This description will be utilized in the ordinance and to modify the City boundaries within the Code of Ordinances. A standard legal description is not adequate. The description must be a complete metes and bounds description. Utilize the City Surveyor as needed.

4. Prepare a map which clearly depicts the current City boundaries and the area to be annexed. This map must be attached to the ordinance and must be displayed in the advertisement.

5. Advertise in the *Florida Today* newspaper once each week for two consecutive weeks.

6. City Clerk must file the adopted ordinance within seven (7) days with the Clerk of the Circuit Court, the Chief Administrative Officer for Brevard County, and the Florida Department of State.

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C. RELATED CONSIDERATIONS

1. A Comprehensive Plan Future Land Use Map Amendment is required for all annexations. Normal land use amendments are subject to the twice per year limitation. Small Scale Amendments may be adopted immediately. In the interim between annexation and adoption of a future land use amendment, the Brevard County land use designation prevails.

2. The property must be zoned by ordinance. The County may challenge the zoning if it intensifies usage and delay enactment of City zoning for up to two years. In the interim between annexation and adoption of zoning by the City, the Brevard County zoning applies to the site.

3. The City must amend Section 1.02 of the City Charter describing the City boundaries. This is handled by the City Clerk.

4. All utilities and the 911 System must be notified that the site is now within the City of Palm Bay.

APPENDIX A

(SAMPLE "PETITION" FOR VOLUNTARY ANNEXATION)

(Date)

Honorable Mayor John Mazziotti
City of Palm Bay
120 Malabar Road, SE
Palm Bay, Florida 32907

Dear Mayor Mazziotti:

Pursuant to the requirements of Chapter 171.044, Florida Statutes, this letter serves as a petition for voluntary annexation into the City of Palm Bay for the following described property:

(INSERT FULL LEGAL DESCRIPTION)

I *(We)* Am *(Are)* the owner*(s)* of the above described property and feel the land meets all criteria necessary for annexation. Enclosed are a general location map, a survey of the property, and a copy of all deeds.

Should you require additional information, please feel free to contact me *(us)* at *(Mailing Address)* or at *(Telephone #)*.

Sincerely,

(SIGNATURE(S))

*(NAME EITHER TYPED OR
PRINTED)*

PROPERTY OWNER(S)

Enclosure

cc: David Watkins, Growth Management Director

(CHECKLIST OF ATTACHMENTS FOR PETITION)

- Original of the Petition to annex.
- Copy of the deed for every property proposed for annexation.
- Survey of the property proposed for annexation.
- Metes and bounds legal description of the property.
- Completed Comprehensive Plan Amendment application for the site.
- Completed Zoning application for the site.

APPENDIX B

(SAMPLE "VERIFICATION" OF SIGNATURES)

I, *(INSERT STAFF MEMBERS NAME)*, Hereby certify that the names and signatures on the attached petition for voluntary annexation include all owners of property identified on the attached deed.

(SIGNATURE _____ DATE)
(TYPED NAME)
(TYPED TITLE)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this *(INSERT DATE)* by *(INSERT STAFF MEMBERS NAME)*, who is personally known by me or who has produced *(INSERT IDENTIFICATION PRODUCED)* as identification, and who did, ___ did not ___ take an oath.

(SEAL)

(Signature of the Notary Public)

(Name of the Notary), Notary Public

Serial No. _____

My Commission Expires: _____

APPENDIX C

(SAMPLE "LEGAL NOTICE" FOR VOLUNTARY ANNEXATION)

(Date)

Legal Advertisement Section
FLORIDA TODAY
Gannett Plaza
P.O. Box 363000
Melbourne, Florida 32936

Dear Legal Advertising Executive:

Please advertise the following legal notice on the dates as indicated:

NOTICE OF ANNEXATION

The City of Palm Bay proposes to adopt Ordinance No. _____ annexing the property described below and identified on the map included in this advertisement.

(INSERT FULL LEGAL DESCRIPTION - GENERAL)

(MAP TO BE HERE)

A copy of the ordinance and a complete metes and bounds description can be obtained from the Palm Bay City Clerk. The hearing for consideration of Ordinance No. _____ shall be held *(DATE OF FIRST HEARING)* at 7:00 P.M. in the City of Palm Bay Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida 32907.

(INSERT NOTICE LANGUAGE)

Sincerely,

David Watkins, AICP
Growth Management Director

PUBLICATION DATES: *(DATE OF FIRST AD)*
(DATE OF SECOND AD)

APPENDIX D

(SAMPLE "ORDINANCES" FOR VOLUNTARY ANNEXATION)

(See attached ordinances. The first sample is for annexation of the property. The second ordinance is passed by the City in order to modify the City Limits in the Charter included in the Code of Ordinances.)

APPENDIX E

CONTACTS

Palm Bay Growth Management Department
5240 Babcock Street NE
Suite 300
Palm Bay, Florida 32905
(321) 733-3041 (Phone)
(321) 953-8920 (Fax)
watkid@palmbayflorida.org

Palm Bay City Clerk
120 Malabar Road SE
Palm Bay, Florida 32907
(321) 952-3414 (Phone)
(321) 953-8971 (Fax)

Palm Bay Utilities Department
1105 Troutman Boulevard NE
Palm Bay, Florida 32905
(321) 952-3471 (Phone)
(321) 768-7795 (Fax)