VOLUNTARY ANNEXATION PROCEDURES

CITY OF PALM BAY
GROWTH MANAGEMENT DEPARTMENT
JANUARY, 2020
# VOLUNTARY ANNEXATION PROCEDURES

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I. GENERAL STEPS

STEP #1 (Petition)
Property owner petitions the City for annexation (Sample “Petition” attached).

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).

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.

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.

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.
II. 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 on Page 4.

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 local circulation/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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III. RELATED CONSIDERATIONS

1. A Comprehensive Plan Future Land Use Map Amendment is required for all annexations. Small Scale Amendments may be adopted immediately. Large Scale Amendments require State review. 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.

IV. CITY CONTACTS

Palm Bay Land Development Division
120 Malabar Road SE
Palm Bay, Florida 32907
Phone (321) 733-3041 • Fax (321) 953-8920
Landdevelopmentweb@palmbayflorida.org

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

Palm Bay Utilities Department
1105 Troutman Boulevard NE
Palm Bay, Florida 32905
Phone (321) 952-3471 • Fax (321) 768-7795
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V. SAMPLE “PETITION” FOR VOLUNTARY ANNEXATION

(Date)

Honorable Mayor William Capote
City of Palm Bay
120 Malabar Road SE
Palm Bay, Florida 32907

Dear Mayor Capote:

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, a copy of all deeds, and payment for the Voluntary Annexation Petition(s).

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

Sincerely,

(SIGNATURE(S))

(NAME EITHER TYPED OR PRINTED)

PROPERTY OWNER(S)

Enclosures

cc: Growth Management Director
VI. 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 AND DATE)

(TYPED NAME)
(TYPED TITLE)

STATE OF (INSERT STATE)
COUNTY OF (INSERT COUNTY)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this (INSERT DATE) by (INSERT STAFF MEMBERS NAME).

(SEAL)

(Signature of the Notary Public)
(Name of the Notary), Notary Public

☐ Personally Known or
☐ Produced Identification

Type of Identification Produced:
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VII. CHECKLIST FOR PETITION ATTACHMENTS

☐ Original of the Petition to annex.
☐ Copy of the deed for every property proposed for annexation.
☐ Notarized verification that the petition contains the signatures of all property owners.
☐ 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.
☐ Voluntary Annexation Petition fee for $2,000.00 per property being annexed; payment made out to the “City of Palm Bay.”