



Legislation Details (With Text)

**File #:** 37-19      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 10/22/2019      **In control:** City Council

**On agenda:** 1/16/2020      **Final action:** 1/16/2020

**Enactment date:** 1/23/2020      **Enactment #:** 01-20

**Title:** PROPOSED ORDINANCE NO. 37-19 - REQUEST FOR VOLUNTARY ANNEXATION - BAPTIST HOSPITAL OWNED PROPERTIES

**Sponsors:** Grover C. Robinson, IV

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Ordinance No. 37-19\_Rev 1\_CC, 2. Map of Annexation Area - Baptist Hospital Properties and Adjacent Properties, 3. Property Appraiser Map and Draft Survey of Annexation Area - Baptist Hospital Properties and Adjacent Properties, 4. PROOF OF PUBLICATION

Date	Ver.	Action By	Action	Result
1/16/2020	2	City Council	Adopted	Pass
1/13/2020	2	Agenda Conference	Placed on Regular Agenda	Pass
12/12/2019	2	City Council	Passed on first reading	Pass
12/9/2019	1	Agenda Conference	Placed on Regular Agenda	Pass

**LEGISLATIVE ACTION ITEM**

**SPONSOR:** Grover C. Robinson, IV, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 37-19 - REQUEST FOR VOLUNTARY ANNEXATION - BAPTIST HOSPITAL OWNED PROPERTIES

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 37-19 on second reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Baptist Health Care officially requested Annexation into the City of Pensacola on October 17, 2019.

The requested parcels are located in the southwest quadrant of I-110 and Brent Lane which is in an unincorporated portion of Escambia County. The proposed area for annexation is on the west border of the City and is referred to as "Baptist Annexation Area".

The Baptist Annexation Area is contiguous to the City and encompasses approximately fifty-three (53) acres. When added to the City's current area of 16,057 acres, the new proposed City area would be 16,110 acres.

Approval of the annexation request will necessitate a subsequent amendment to the City's Zoning and Future Land Use Maps to include the subject properties. The recommended designation of C-3 is consistent with the adjacent industrially and commercially zoned properties currently located within the City limits. Additionally, Baptist Health Care will request the vacation of the following rights-of-way within the annexed area subject to City Council approval: Rawson lane from Brent Lane to Corday Street, Corday Street from Dixie Drive to I-110 and Joe Elliot Way in its entirety.

F.S. 171.0413 provides that:

Annexation procedures.-Any municipality may annex contiguous, compact, unincorporated territory in the following manner:

(1) An ordinance proposing to annex an area of contiguous, compact, unincorporated territory shall be adopted by the governing body of the annexing municipality pursuant to the procedure for the adoption of a nonemergency ordinance established by s. 166.041. Prior to the adoption of the ordinance of annexation, the local governing body shall hold at least two advertised public hearings. The first public hearing shall be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing shall be held on a weekday at least 5 days after the day that the second advertisement is published. Each such ordinance shall propose only one reasonably compact area to be annexed. However, prior to the ordinance of annexation becoming effective, a referendum on annexation shall be held as set out below, and, if approved by the referendum, the ordinance shall become effective 10 days after the referendum or as otherwise provided in the ordinance, but not more than 1 year following the date of the referendum.

(6) Notwithstanding subsections (1) and (2), if the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. In addition to the requirements of subsection (5), the area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. If the governing body does not choose to hold a referendum of the annexing municipality pursuant to subsection (2), then the property owner consents required pursuant to subsection (5) shall be obtained by the parties proposing the annexation prior to the final adoption of the ordinance, and the annexation ordinance shall be effective upon becoming a law or as otherwise provided in the ordinance.

Therefore, in accordance with paragraph (6) of F.S. 171.0413, a referendum is not required as there are no registered electors on the parcels in the proposed annexation area.

Moreover, the entire area to be annexed is owned by the requesting party or one of its wholly owned subsidiary entities. Because of these circumstances, the annexation procedure set forth in F.S. 171.044 also applies and supports annexation: "(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may

petition the governing body of said municipality that said property be annexed to the municipality.” The City Attorney’s office, after the initial review on October 31, has continued to monitor to ensure the process set forth in the remaining paragraphs of F.S. 171.044 has been followed.

**PRIOR ACTION:**

December 12, 2019 the City Council voted to approve Proposed Ordinance No. 37-19 on first reading.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

The City would receive stormwater and franchise fees and where applicable, ad valorem and public service tax revenues from the subject parcels as well as from any future improvements.

**CITY ATTORNEY REVIEW:** Yes

10/31/2019

**STAFF CONTACT:**

Keith Wilkins, City Administrator  
Kerrith Fiddler, Deputy City Administrator - Community Development  
Sherry H. Morris, Planning Services Administrator

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 37-19
- 2) Map of Annexation Area - Baptist Hospital Properties and Adjacent Properties
- 3) Property Appraiser Map and Draft Survey of Annexation Area - Baptist Hospital Properties and Adjacent Properties

**PRESENTATION:** No