

WALK-ON

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20061553

1. **ACTION REQUESTED/PURPOSE:** Authorize staff to formally object to the proposed Orchid Road Annexation into the City of Cape Coral and authorize the County Attorney to file the appropriate challenge in Circuit Court.

2. **WHAT ACTION ACCOMPLISHES:** Provides the County standing for an eventual legal challenge to the annexation.

3. **MANAGEMENT RECOMMENDATION:** Authorize staff to formally object and the County Attorney to file the appropriate challenge if the City adopts the annexation ordinance.

4. **Departmental Category:** 04

W042

5. **Meeting Date:** 11/21/06

6. **Agenda:**

Consent

Administrative

Appeals

Public

Walk-On

7. **Requirement/Purpose: (specify)**

Statute 171.044

Ordinance

Admin. Code

Other

8. **Request Initiated:**

Commissioner

Department

Division

By: Paul O'Connor, AICP, Director

Community Development

Planning

POC 11/17/06

9. **Background:**

The City of Cape Coral City will be conducting Public Hearings on November 27, 2006 to consider an ordinance to voluntarily annex the Orchid Road properties into the City. The Orchid Road Annexation consists of eight parcels of land comprising approximately 48.5 acres. The annexation of these properties will violate Florida Statute 171.044(5) by create an enclave of six parcels of land comprising approximately 6 acres.

An enclave is defined by the statute as: "Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality." Florida Statute 171.044(5) states: "Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves." The Florida Statutes recognize that enclaves can create significant problems in planning, growth management, and service delivery. The proposed annexation will leave six parcels of land enclosed within the City's boundary, creating an enclave.

Staff is requesting authorization to formally object to the proposed Orchid Road Annexation into the City of Cape Coral and direction to the County Attorney to file the appropriate challenge in Circuit Court if the City adopts the annexation ordinance.

Attachment:

Map of the Proposed Annexation

10. **Review for Scheduling:**

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services |          |          |          | County Manager/P.W. Director |
|---------------------|-------------------------|-----------------|-------|-----------------|-----------------|----------|----------|----------|------------------------------|
|                     |                         |                 |       |                 | Analyst         | Risk     | Grants   | Mgr.     |                              |
| Mary Gibbs          | NA                      | NA              | NA    | DMC             | 11/20/06        | 11/20/06 | 11/20/06 | 11/20/06 | 11-20-06                     |

11. **Commission Action:**

- Approved
- Deferred
- Denied
- Other

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COUNTY ADMIN:  
11-17-06  
10:55 AM  
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Date: 11/17/06  
Time: 10:50 AM  
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**DIVISION OF PLANNING**  
MEMORANDUM

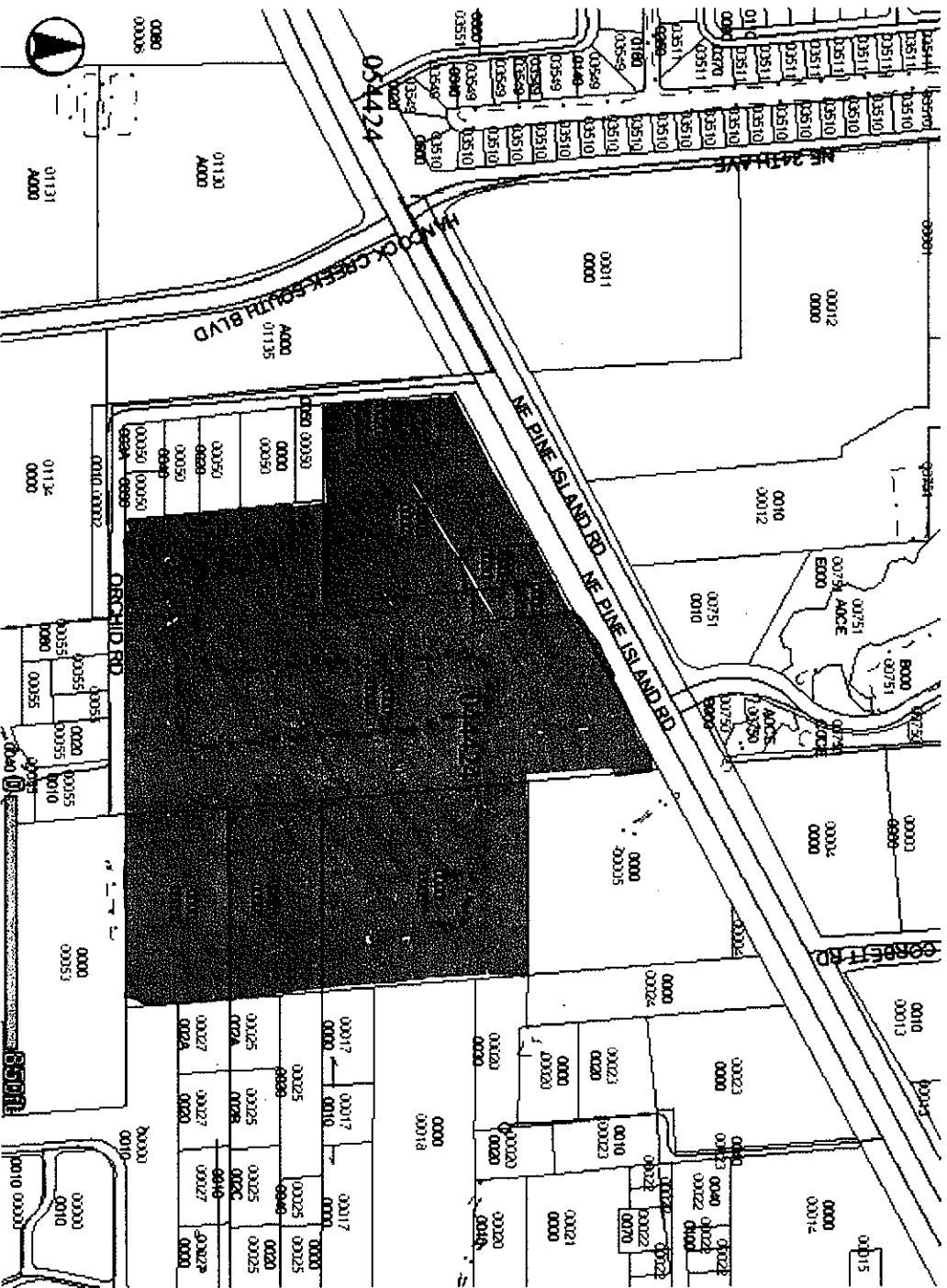


**LEE COUNTY**  
SOUTHWEST FLORIDA

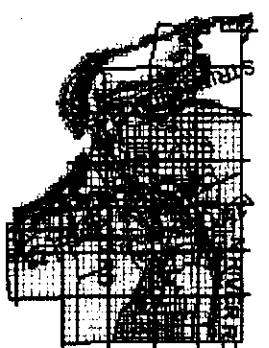
**to:** Board of County Commissioners  
**from:** Paul O'Connor, AICP, Director  
**subject:** Walk-On Bluesheet for November 21, 2006  
**date:** Friday, November 17, 2006

In order to receive Board Direction prior to the November 27, 2006 Cape Coral Annexation Public Hearing the attached Bluesheet, Number 20061553, needs to be a Walk-On for the November 21, 2006 regular Board Meeting.

Orchid Road Annexation



**Proposed Annexation**



- Legend**
- Black
  - Lot
  - Condo Bkct
  - Condo Lot
  - Condo Building
  - Parcels
  - Parcel Hooks
  - Hydro Features
  - Road Center Line
  - Township Range Lines
  - Township Range Labels
  - Section Lines
  - City Limits
  - Bone Springs
  - Cape Coral
  - Fort Myers
  - Sarasota
  - Town of Fort Myers Beach