# RESOLUTION NO. 06-R-44

## A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TALLAHASSEE, FLORIDA, PROVIDING A PROCESS FOR REVIEW BY LEON COUNTY OF DEVELOPMENT ON WELAUNEE PROPERTY ANNEXED INTO THE CITY ON DECEMBER 6, 2005

WHEREAS, on December 6, 2005, the City Commission of the City of Tallahassee met in regular session and held public hearings on Ordinance No. 05-O-73, a contraction ordinance, and Ordinance No. 05-O-84, an ordinance approving the voluntary annexation of approximately 542 acres, a portion of a larger parcel previously known as the Welaunee plantation; and

WHEREAS, prior to December 6, 2005, the Leon County Board of County Commissioners made it known that it objected to the annexation; and

WHEREAS, following the approval of Ordinance No. 05-O-84 and Ordinance No. 05-O-73 by the City, the Leon County Board of County Commissioners filed a complaint against the City in the Second Judicial Circuit in Leon County, Florida, against the City of Tallahassee, challenging the Welaunee annexation, styled as Leon County, Florida, vs. City of Tallahassee, Case No. 2005-CA-3164; and

WHEREAS, Leon County instituted proceedings under Chapter 164, Florida Statutes (2005), related to resolution of Governmental Disputes; and

WHEREAS, as a result of those proceedings, the parties have come to an agreement; and

WHEREAS, the City wishes to outline the agreement in this Resolution; and

WHEREAS, upon approval of this resolution, a copy will be provided to the Leon County Board of County Commissioners with a request that the pending lawsuit, Case No. 2005-CA-3164, be dismissed forthwith, with prejudice, and that this Resolution be included in an order dismissing the lawsuit.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Tallahassee assembled in regular session this 21st day of November, 2006, as follows:

1. Prior to final development approval for any development activity on the property annexed into the City under Ordinance No. 05-O-84 (Welaunee Toe Annexed Property), approved December 6, 2005, the City shall provide the development application to Leon County staff for review and comment.

2. No more than 20 days after the development application is provided to Leon County staff, County staff may provide comments and recommendations to the City staff on the proposed development activity on the Welaunee Toe Annexed Property, unless the County requests additional time for said review. Such comments and recommendations provided to the City by the County shall be made part of any final

development order granting the Application, should the City and applicant agree to same. In the event that the City and applicant do not agree with any or all of the comments and recommendations of the County, a final development order shall not be granted by the City until after:

a. The City Manager, County Administrator and applicant (or their designated representatives) have met to discuss the comments and recommendations in an effort to resolve the concerns raised by the County. This meeting shall occur with fifteen (15) days of the City's receipt of the County's initial comments unless the City, County and applicant agree to extend the period; should a resolution be found, the City may proceed to process and, as appropriate, issue a final development order; however

b. Should a resolution not be reached at the conclusion of the aforementioned meeting, the matter shall be agendaed for discussion at the next Mayor/Chair meeting in which meeting the applicant or its designated representative shall be allowed to participate. This meeting shall be scheduled as soon as practicable but in no event later than thirty (30) days after the meeting of the City Manager, County Manager and applicant. In the event that a satisfactory resolution to the issue is not resolved at the Mayor/Chair meeting, the City may proceed to process and, as appropriate, issue a final development order.

3. Prior to approval by the City of the Stormwater Facilities Master Plan (SFMP) for the Welaunee Toe, required by Policy 13.1.5[L], Tallassee-Leon County Comprehensive Plan, Leon County shall have a reasonable amount of time to review and comment on the SFMP.

PASSED AND ADOPTED BY THE City Commission of the City of Tallahassee this 21st day of November, 2006.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

By: _____
Gary Herndon
City Treasurer-Clerk

APPROVED AS TO FORM:

By: _____
James R. English
City Attorney