

**Attached is Additional Information for  
Agenda Item #13**

Board Ratification of the Agreement Between Mayor John  
Marks and Chairman John Dailey Regarding the Voluntary  
Annexation Proposal from the City of Tallahassee to Annex  
Property Known as the “Welaunee Toe”

**Meeting of Tuesday, June 14, 2011**

**This document distributed June 14, 2011.**

# BOARD OF COUNTY COMMISSIONERS

## INTER-OFFICE MEMORANDUM

TO: Honorable Chairman and Members of the Board

FROM: Herbert W.A. Thiele   
County Attorney

DATE: June 14, 2011

SUBJECT: Welaunee Annexation Issue  
Agenda Item #13

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There has apparently been some confusion with regard to the steps necessary to effectuate the process for the County's objection to the annexation that is proposed in the "Welaunee Toe" by the City of Tallahassee.

Furthermore, we have just obtained from the City of Tallahassee City Attorney's Office the proposed contraction (deannexation) ordinance that is proposed to be adopted the same night as the annexation ordinance, with the contraction having a specific delayed effective date. These proposed ordinances are scheduled for a public hearing on July 13, 2011, by the City Commission.

In light of the new information which has been obtained and which the Board of County Commissioners has not seen, and the confusion surrounding the process for an annexation objection, the County Attorney's Office is requesting that Agenda Item #13 be pulled from the agenda for June 14, 2011. Further, we believe that the next step of the objection process should now be scheduled, which is a joint meeting of the City and County Commissions to take place before the July 13, 2011, City Commission public hearing.

Again, we regret the confusion that may have taken place with regard to this process, and again, believe that a comprehensive plan amendment should be processed in the future that clarifies these steps. We will be sending this memorandum out under separate cover in order to have the agenda item pulled from the June 14, 2011, Board agenda.

HWAT:mal

Attachments

**Herb Thiele - Contraction Ordinance**

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**From:** "Hudson, Linda" <Linda.Hudson@talgov.com>  
**To:** "Arnie Rogers (rogers.arnie@yahoo.com)" <rogers.arnie@yahoo.com>, "WillButler (will@realestateinsync.com)" <will@realestateinsync.com>  
**Date:** 6/8/2011 3:53 PM  
**Subject:** Contraction Ordinance  
**CC:** "McGarrah, Rob" <Rob.McGarrah@talgov.com>, "English, Jim" <James.English@talgov.com>, "Arnold, Arnie" <floyd.arnold@talgov.com>, "Watson, Leann" <Leann.Brewer@talgov.com>  
**Attachments:** Agenda - Intro Ord City Welaunee Contraction 2011.doc; Ordinance - Welaunee Contraction 2011.doc

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Attached is an agenda item for introduction of the contraction ordinance (11-O-24) on June 22, and the attachments, including a copy of the ordinance. Attachment 1 to the agenda item (not attached to this email) is a copy of the 200' strip that is being annexed.

In order to avoid a problem with having the contracted portion of Welaunee under County jurisdiction when the PUD is approved, the effective date of the contraction is drafted to be one day after the PUD is approved.

Please review and let me know if you have any comments or questions.

Linda

# CITY OF TALLAHASSEE

## CITY COMMISSION AGENDA ITEM

<b>ACTION REQUESTED ON:</b>	June 22, 2011
<b>SUBJECT/TITLE:</b>	Introduction of Ordinance No. 11-O-24, Contracting City Limits within City-Owned Property (Welaunee)
<b>TARGET ISSUE:</b>	

### STATEMENT OF ISSUE

On July 13, after public hearing, it is expected that the City Commission will approve Ordinance No. 11-O-05AA annexing a small portion of property owned by the City of Tallahassee on the Welaunee Toe that remains in Leon County, as shown in **Attachment 1**. The City is planning the development of the property, and the City Commission will be reviewing an ordinance rezoning the City-owned portion of the Welaunee Toe to Planned Unit Development (PUD) in the near future. In order to have the entire property in one PUD, the City is annexing the remaining portion of the Welaunee Toe into the City. In order to avoid the creation of an enclave of County property, however, the City must contract its boundaries in the same area. The City Attorney's Office has drafted Ordinance No. 11-O-24 (**Attachment 2**) to accomplish the contraction. The proposed contraction ordinance is before the City Commission for introduction, and to set the first and only public hearing for Wednesday, July 13, 2011.

### RECOMMENDED ACTION

Option 1: Introduce Ordinance No. 11-O-24, and set the first and only public hearing for Wednesday, July 13, 2011.

### FISCAL IMPACT

None expected.

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James R. English, City Attorney

For information, please contact: Linda Hudson, Senior Assistant City Attorney, ext. 8554

**Item Title:** Introduction of Ord. No. 11-O-24, Contracting City Limits within City's Welaunee Property

### **HISTORY AND FACTS**

On July 13, after public hearing, it is expected that the City Commission will approve Ordinance No. 11-O-24 annexing a small portion of property owned by the City of Tallahassee on the Welaunee Toe that remains in Leon County. **(Attachment 1)** The City is planning the development of the property, and will be reviewing an ordinance rezoning the City-owned portion of the Welaunee Toe to Planned Unit Development (PUD) in the near future. In order to have the entire property in one PUD, the City is annexing the remaining portion of the Welaunee Toe into the City.

To avoid the creation of an enclave of County property, however, the City must contract its boundaries in the same area. The City Attorney's Office has drafted Ordinance No. 11-O-24 **(Attachment 2)** to accomplish the contraction. The contraction area is on the western portion of the City's Welaunee property, and consists of a strip 200' wide running through a proposed green area north to south and connecting to Miccosukee Road across an existing access easement. **(Attachment 3)** The 200' strip will connect an area of the County north of the Welaunee property to an area of the County south of the Welaunee property, thereby preventing the creation of an enclave.

The proposed ordinance is before the City Commission for introduction, and to set the first and only public hearing for Wednesday, July 13, 2011. The effective date of Ordinance No. 11-O-24 will be one day after the effective date of the PUD rezoning for the Welaunee property.

### **OPTIONS**

1. Introduce Ordinance No. 11-O-24, and set the first and only public hearing for Wednesday, July 13, 2011.
2. Introduce Ordinance No. 11-O-24, as revised by the City Commission, and set the first and only public hearing for Wednesday, July 13, 2011.
3. Do not introduce Ordinance No. 11-O-24, and provide direction to staff.

### **ATTACHMENTS/REFERENCES**

1. Sketch of proposed annexation
2. Proposed Ordinance No. 11-O-24
3. Sketch of proposed contraction





1 through a central angle of 28 degrees 40 minutes 57 seconds for an arc distance of 150.18 feet;  
2 thence North 865.02 feet to a point lying 200 feet north of the aforementioned northerly boundary  
3 of the Miccosukee Greenway Park; thence, along a line 200 feet from and parallel with said  
4 northerly boundary, South 88 degrees 40 minutes 45 seconds West 828.33 feet to an intersection  
5 with a line 200 feet, more or less northeasterly of the aforementioned northeasterly boundary of  
6 Tax ID parcel 1114204050000; thence, along said 200 foot offset line the following 26 courses:  
7 North 40 degrees 57 minutes 38 seconds West 11.09 feet; North 59 degrees 45 minutes 49  
8 seconds West 220.48 feet; North 57 degrees 01 minutes 17 seconds West 124.20 feet; North 75  
9 degrees 48 minutes 30 seconds West 97.68 feet; North 56 degrees 03 minutes 37 seconds West  
10 33.85 feet; North 44 degrees 37 minutes 37 seconds West 95.91 feet; North 52 degrees 02  
11 minutes 55 seconds West 117.61 feet; North 51 degrees 05 minutes 19 seconds West 114.91 feet;  
12 North 63 degrees 37 minutes 18 seconds West 54.38 feet; North 21 degrees 52 minutes 54  
13 seconds West 41.01 feet; North 40 degrees 35 minutes 23 seconds West 146.33 feet; North 46  
14 degrees 23 minutes 04 seconds West 129.28 feet; North 43 degrees 57 minutes 44 seconds West  
15 160.64 feet; North 46 degrees 34 minutes 23 seconds West 137.74 feet; North 54 degrees 50  
16 minutes 50 seconds West 130.22 feet; North 78 degrees 47 minutes 24 seconds West 244.30 feet;  
17 South 48 degrees 23 minutes 19 seconds West 70.87 feet; North 42 degrees 36 minutes 50  
18 seconds West 122.72 feet; South 60 degrees 37 minutes 14 seconds West 246.64 feet; South 66  
19 degrees 39 minutes 51 seconds West 30.52 feet; North 37 degrees 38 minutes 45 seconds West  
20 158.63 feet; South 71 degrees 06 minutes 34 seconds West 263.52 feet; South 64 degrees 16  
21 minutes 10 seconds West 75.30 feet; South 75 degrees 05 minutes 36 seconds West 94.45 feet;  
22 North 89 degrees 41 minutes 56 seconds West 144.14 feet; North 00 degrees 18 minutes 05  
23 seconds West 1105.50 feet to an intersection with the northerly boundary of Section 14,  
24 Township 1 North, Range 1 East; thence, along said northerly boundary, South 89 degrees 41  
25 minutes 55 seconds West 200.00 feet to the POINT OF BEGINNING; containing 28.20 acres,  
26 more or less.

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28  
29  
30 Section 2. That upon this ordinance becoming effective, the property owners and  
31 property described herein shall no longer be entitled to any of the rights and privileges and  
32 immunities as are from time to time granted to residents and property owners of the City of  
33 Tallahassee, Florida, as provided in Chapter 171, Florida Statutes.

34 Section 3. If any section or portion of a section of this ordinance proves to be  
35 invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of  
36 any other section or part of this ordinance.

1           Section 4.           That all ordinances or parts of ordinances in conflict herewith be  
2 and the same are hereby revoked.

3           Section 5.           That this ordinance shall become effective on \_\_\_\_\_.

4           INTRODUCED in the City Commission on the \_\_\_ day of \_\_\_\_\_, 2011.

5           PASSED the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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7

CITY OF TALLAHASSEE

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By: \_\_\_\_\_

11

John R. Marks, III

12

Mayor

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ATTEST:

APPROVED AS TO FORM:

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By: \_\_\_\_\_

By: \_\_\_\_\_

18

Gary Herndon

James R. English

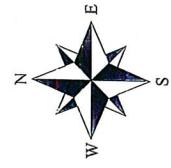
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City Treasurer-Clerk

City Attorney

NW CORNER OF THE NE QUARTER OF SECTION 14, T1N, R1E

NW CORNER OF SECTION 14, T1N, R1E



GRAPHIC SCALE  
( IN FEET )  
1 inch = 500 ft.



CITY PROPERTY  
OR 3450.PC 516

200' OFFSET FROM SOUTHERLY BOUNDARY LINE

ON: TALLAHASSEE, L. LLC  
OR 4023, PG 1603

FOLLOW 84.7 CONTOUR OF DOVE POND

AUCUS MICHIGAN/SEE GREENWAY PARK NORTH BOUNDARY

MICHIGAN/SEE GREENWAY PARK  
OR 2122.PC 100P

PERPETUAL, NONEXCLUSIVE EASEMENT FOR  
ACCESS AND EGRESS AND UNDERGROUND UTILITIES  
OR 2122.PC 102S (P-103)

ON: TALLAHASSEE, L. LLC  
OR 4024, PG 1603

POB



INITIAL	DATE	NO.	BY	REVISIONS	DATE



PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION  
TALLAHASSEE, FLORIDA

PROJECT

SHEET TITLE

SHEET  
1  
Of 1