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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUN 24 2014 KH/VP

Consent Agenda Item

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MEMORANDUM

TO: Mayor Teresa Jacobs
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Dana L. Crosby-Collier, Assistant County Attorney *dlc*
Contact: (407) 836-7320

DATE: June 10, 2014

RE: **Withdrawal of Objection to Annexation of Southeastern Oaks Area
Consent Agenda – June 24, 2014**

I. EXPLANATION & SUMMARY:

On November 25, 2013, the City Commission for the City of Orlando adopted an ordinance annexing the Southeastern Oaks area into the City of Orlando (City Ordinance No. 2013-57). Following adoption of the annexation ordinance, the City Commission approved on first reading a growth management amendment for the Southeastern Oaks area (City Ordinance No. 2013-64).

Orange County staff appeared at the November 25th City Council meeting to speak against the proposed annexation ordinance and the proposed growth management amendment, and to request a continuance. At the November 25th meeting, County staff objected that the area proposed to be annexed was not compact, was not contiguous to the City, and was not developed for urban purposes. County staff also raised objections to the proposed growth management amendment, including land use concerns, transportation concerns, and environmental issues and concerns. Nevertheless, the City adopted both ordinances.

On December 17, 2013, the Board of County Commissioners ("Board") adopted Resolution No. 2013-M-55 ("Resolution"), a copy of which is attached, in which the County initiated a conflict resolution procedure with the City as described in Chapter 164 of the Florida Statutes ("Florida Governmental Conflict Resolution Act") in an effort to resolve issues relating to the Southeastern Oaks annexation area ("Area") in lieu of litigation.

Following the County's adoption of the Resolution, City and County staff, along with the developer of the Area, met several times pursuant to Chapter 164 in an attempt to resolve the outstanding issues. In those meetings, the representatives agreed to development and

design guidelines for the development of the Area that would be acceptable to the City, the County, and the developer.

An Interlocal Agreement (ILA) was then drafted and agreed upon by the participants pursuant to Chapter 164 to memorialize the design and development guidelines for the Area. The ILA was approved by the City on March 17, 2014 and approved by the County on March 25, 2014. The ILA contained a provision whereby the City would incorporate the terms of the Agreement into its Planned Development for the Area, and that the County would withdraw its objection to the City's annexation within thirty days.

On June 2, 2014 the City approved the Planned Development Ordinance for the Southeastern Oaks Area (Ordinance No. 2014-15) that included a provision stating that the terms of the ILA are incorporated by reference and adopted in their entirety, and if there is any conflict between the terms of the Planned Development and the ILA, the ILA shall control. It is therefore now appropriate for the County to withdraw its objection to the City's annexation of the Area by adopting the attached Resolution.

II. ACTION REQUESTED:

APPROVAL OF RESOLUTION OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING WITHDRAWAL OF OBJECTION TO CITY OF ORLANDO ORDINANCE NO. 2013-57 and NO. 2013-64

Please contact Dana Crosby-Collier or me if you have any questions. We can be reached at 407-836-7320.

Attachment

copy: Ajit Lalchandani, County Administrator
Chris Testerman, Assistant County Administrator
Alberto Vargas, Manager, Planning Division

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 24 2014 KH/JP

RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**WITHDRAWAL OF OBJECTION
TO CITY OF ORLANDO
ORDINANCE NO. 2013-57 AND NO. 2013-64**

Resolution No. 2014- M-28

WHEREAS, on November 25, 2013, the City Council for the City of Orlando, over the County's objections and request for continuance, adopted Ordinance No. 2013-57, annexing unincorporated territory known as Southeastern Oaks, as generally described in Ordinance No. 2013-57;

WHEREAS, on November 25, 2013, the City Council for the City of Orlando, over the County's objections and request for continuance, also adopted Ordinance No. 2013-64, approving on first reading a growth management amendment for the unincorporated territory known as Southeastern Oaks, as generally described in Ordinance No. 2013-64;

WHEREAS, in order to resolve the issues raised in the County's objection, the County, the City, and other interested parties thereafter engaged in a dispute resolution procedure as described in Chapter 164 of the Florida Statutes, known as the "Florida Governmental Conflict Resolution Act;"

WHEREAS, to settle the issues raised in the County's objection, the City and the County entered into an Interlocal Agreement resolving issues relating to the Southeastern Oaks Area and Narcoosee Roadway Corridor Study Area ("Agreement");

WHEREAS, the Agreement contained a provision whereby the City would incorporate the terms of the Agreement into its Planned Development for the Southeastern Oaks Area;

WHEREAS, the Agreement was approved by the City on March 17, 2014 and approved by the County on March 25, 2014;

WHEREAS, on June 2, 2014 the City approved the Planned Development Ordinance for the Southeastern Oaks Area (Ordinance No. 2014-15) which incorporates the terms of the Agreement and provides that if there is any conflict between the terms of the Planned Development and the Agreement, then the Agreement shall control;

WHEREAS, the Agreement provides that the County must withdraw its objection to the City's annexation within 30 days of the City's adoption of the Planned Development Ordinance incorporating the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

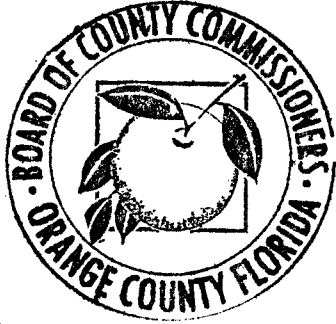
Section 1. Withdrawal of the objection. Pursuant to the Agreement, the Board of County Commissioners of Orange County hereby withdraws its objections to City Ordinance No. 2013-57 and City Ordinance No. 2013-64, as expressed in the public hearing on November 25, 2013.

Section 2. Effective date. This Resolution shall become effective upon the date of its adoption.

JUN 24 2014
ADOPTED this ____ DAY of JUNE, 2014.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners



By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

ATTEST: Martha O. Haynie, Orange County Comptroller
as Clerk of the Board of County Commissioners

By: *Katie Smith*
Deputy Clerk

Print Name: Katie Smith