RESOLUTION 08-12066

Meeting of 5/21/08

A RESOLUTION (RESPONDING RESOLUTION) OF THE CITY COUNCIL, CITY OF NAPLES, PURSUANT TO PART II OF CHAPTER 171, FLORIDA STATUTES (FLORIDA'S INTERLOCAL SERVICE BOUNDARY ACT) IN RESPONSE TO A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA TO COMMENCE THE PROCESS FOR NEGOTIATING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT REGARDING 22.04 ACRES OF LAND, MORE OR LESS, LOCATED ON THE SOUTH SIDE OF GOLDEN GATE PARKWAY IMMEDIATELY WEST OF AND ADJACENT TO THE GORDON RIVER, PROPOSED TO BE ANNEXED INTO THE CITY OF NAPLES; SUPERSEDED AND REPEALING RESOLUTION 08-12027; DIRECTING THAT THE CITY CLERK FORWARD A COPY OF THIS RESPONDING RESOLUTION TO THE CHIEF ADMINISTRATIVE OFFICERS OF COLLIER COUNTY AND THE EAST NAPLES FIRE CONTROL AND RESCUE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this Resolution is in response to Collier County's "initiating resolution" No. 08-78, dated March 25, 2008, (copy attached as Exhibit A) to commence the process for negotiating an interlocal service boundary agreement and which identifies the County's specified unincorporated area in question as 22.04+-- acres commonly located on the south side of Golden Gate Parkway immediately west of and adjacent to the Gordon River, and the County's designated issues for discussion; and

WHEREAS, the Florida Interlocal Service Boundary Act (Part II, Chapter 171, Florida Statutes) subsection 171.203(2) specifies that within sixty (60) days after receipt of this initiating resolution, the City shall adopt its responding resolution; and

WHEREAS, the land area to be discussed pursuant to this process consists of 22.04+-- acres located on the south side of Golden Gate Parkway immediately west of and adjacent to the Gordon River which land area is depicted on the map attached to the initiating resolution; and

WHEREAS, the City Council previously adopted Resolution 08-12027 which was not forwarded to Collier County and the East Naples Fire Control and Rescue District, and this Resolution supersedes and repeals that Resolution; and

WHEREAS, the 60 day response period has not elapsed;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. The City of Naples hereby responds to the initiating resolution of Collier County (Resolution 08-78) and respectfully declines Collier County's request to negotiate an Interlocal Service Boundary Agreement concerning the property described and depicted in said resolution.

Section 2. That Resolution 08-12027 is hereby superseded and repealed.

Section 3. The City Clerk is hereby directed to send a copy of this responding resolution by United States Certified Mail to the Chief Administrative Officer (County Manager) of Collier County and to the Chief Administrative Officer (Fire Chief) of the East Naples Fire Control and Rescue District within 7 days of the date of adoption of this Resolution.
Resolution 08-12066

Section 4. This resolution shall take effect immediately upon adoption.


Attest:

Tara A. Norman, City Clerk

M:\REF\COUNCIL\RES\2008\08-12066

Date filed with City Clerk: 5/21/08

Approved as to form and legality:

Robert D. Pritt, City Attorney

Bill Barnett, Mayor
RESOLUTION NO. 2008- 78

A RESOLUTION (INITIATING RESOLUTION) OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, PURSUANT TO PART II OF CHAPTER 171, FLORIDA STATUTES (FLORIDA'S INTERLOCAL SERVICE BOUNDARY ACT) TO COMMENCE THE PROCESS FOR NEGOTIATING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT REGARDING 22.04 ACRES OF LAND, MORE OR LESS, DESCRIBED HEREIN AS THE SENIOR CARE SITE, PROPOSED TO BE ANNEXED INTO THE CITY OF NAPLES

WHEREAS, Florida's Interlocal Service Boundary Act (herein “the Act”), being Chapter 2006-218, Laws of Florida, includes sections 171.20, 171.201, 171.202, 171.203, 171.204, 171.205, 171.206, 171.207, 171.208, 171.209, 171.210, 171.211 and 171.212, Florida Statutes, approved by Governor Bush on June 14, 2006; and

WHEREAS, the Act's principal goals, as stated in the Act’s section 171.201, are to encourage local governments to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the Community; Also to establish a more flexible process for adjusting municipal boundaries and to address a wider range of the effects of annexation and to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments; Also to promote sensible boundaries that reduce the costs of local governments, avoid duplicating local services, and increase political transparency and accountability and to prevent inefficient service delivery and an insufficient tax base to support the delivery of services; and

WHEREAS, as defined in the Act’s subsection 171.202(7), this resolution is Collier County’s “initiating resolution” to commence the process for negotiating an interlocal service boundary agreement and which identifies the County’s specified unincorporated area and the County’s designated issues for discussion; and

WHEREAS, as defined in the Act’s subsection 171.201(8), an “Interlocal service boundary agreement” means an agreement adopted pursuant to the Act between a county and one or more municipalities, and which may include one or more defined independent special districts as parties to the agreement; and

WHEREAS, as defined in the Act’s subsection 171.202(3), the applicable “independent special districts” are limited to special districts as defined in Section 189.403, Florida Statutes, and that provide fire, emergency medical, water, wastewater, and stormwater services; and

WHEREAS, the Act’s subsection 171.203(2) specifies that within sixty (60) days after receipt of this initiating resolution, the City of Naples shall adopt its responding resolution, wherein the City can identify an additional unincorporated area or incorporated area, or both, for discussion; Also the City may thereby designate additional issues for negotiation, and pursuant to the Act’s subsection 171.202(15), may designate one other special district; and

WHEREAS, as stated in the Act’s subsection 171.203(2)(d), each qualified independent district that receives the County’s initiating resolution can participate in the interlocal service boundary agreement negotiation process by adopting its resolution indicating such intent; and

WHEREAS, as stated in the Act’s subsection 171.203(16), the Act does not authorize one local government to require another local government to enter into an interlocal service boundary agreement, but when the process for negotiating an interlocal service boundary agreement is initiated, the local governments shall negotiate in good faith to the conclusion of the process established in the Act’s Section 171.203; and

WHEREAS, as defined in the Act’s subsections 171.202(4) and (5), Collier County is the “Initiating County” and is also the “Initiating local government,” and

WHEREAS, pursuant to the Act’s subsection 171.203(1), the land area to be discussed pursuant to this process is described herein as the Senior Care Site, which according to the application for annexation, consists of 22.04 acres, more or less, which land area is depicted on the map (the “descriptive exhibit”) attached to this Resolution as Exhibit A: and
WHEREAS, pursuant to the Act's subsection 171.203(1), Collier County's designated issues to be negotiated are listed below in the body of this Resolution; and

WHEREAS, as defined in the Act's subsection 171.202(9), an "invited local government" means each invited county, municipality, or special district and any other local government designated as such in an initiating resolution, or in a responding resolution, that invites the respective local government(s) to participate in negotiating an interlocal service boundary agreement; and

WHEREAS, Collier County's two (2) "invited local governments" are the City of Naples (the County's designated "invited municipality"), and the East Naples Fire Control and Rescue District, an Independent Special District, as a "notified local government" or an "invited local government."

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

1. The above WHEREAS clauses are incorporated herein.

2. Collier County, as "the initiating county," hereby designates the City of Naples as the County's "invited municipality."

3. Collier County, as "the initiating county," hereby notifies the East Naples Fire Control and Rescue District of this Resolution as a "notified local government" or an "invited local government."

4. The County's designated land area, all of which is unincorporated, is described herein as the Senior Care Site, which land areas, according to the application for annexation, consist of 22.04 acres, more or less, and which acreage is depicted on the map attached to this Resolution as Exhibit A ("the descriptive exhibit"). Based upon the application for annexation, the legal description of this land area proposed to be annexed into the City of Naples is:

SEE EXHIBIT "B"

5. The County's designated issues for negotiation are any and all issues concerning service delivery, fiscal responsibilities, and/or boundary adjustments. The interlocal service boundary agreement issues may include, but need not be limited to, the following:

a. Identifying a municipal service area.

b. Identifying an unincorporated service area.

c. Identifying the local government responsible for delivery or funding of the following services within the municipal service area or the unincorporated service area including:

   1. Public safety
   2. Fire, emergency rescue, and medical.
   3. Water and wastewater.
   4. Road ownership, construction, and maintenance.
   5. Conservation, parks, and recreation.

d. The interlocal service boundary agreement may establish a process and schedule for annexation of an area within the designated municipal service area, if any, consistent with the Act's Section 171.205.

e. The interlocal service boundary agreement may establish a process for land-use decisions consistent with part II of Chapter 163, Florida Statutes, including those made jointly by the governing bodies of the County and the City of Naples, or allow the City of Naples to adopt land-use changes consistent with part II of Chapter 163, Florida Statutes, for other land areas, if any, scheduled to be annexed during the term of years specified in the interlocal service boundary agreement. If the agreement addresses responsibility for land-use planning under Chapter 163, Florida Statutes, the agreement may also establish the procedures for preparing and adopting comprehensive plan amendments, administering land-development regulations, and issuing development orders.
f. The interlocal service boundary agreement may address other issues concerning service delivery, including the transfer of services and infrastructure.

g. The interlocal service boundary agreement may provide for the joint use of facilities and the colocation of services.

h. The interlocal service boundary agreement may include a requirement for a report to Collier County from the City of Naples of the City's planned service delivery, as provided in the Act's Section 171.042, or as otherwise may be determined by the Agreement.

i. The interlocal service boundary agreement may establish a process by which the local government that is responsible for water and wastewater services shall, within thirty (30) days after any respective annexation of territory, apply for modifications to permits of the water management district and/or Florida's Department of Environmental Protection which are necessary to reflect changes in the entity that is responsible for managing surface water under such permits.

j. As stated in the Act's subsection 171.203(8), in order to ensure that the health and welfare of the residents affected by annexation will be protected, all fire and emergency medical services shall be provided by the existing provider of fire and emergency medical services to the annexed area and remain part of the existing special district unless Collier County and the City of Naples reach an agreement, through the interlocal service boundary agreement or other legally sufficient means, as to which entities shall provide those emergency services.

6. As stated in the Act's subsections 171.203(1) (a), (b), and (c), the County Manager shall, by United States certified mail, send copy of this Initiating Resolution (a) to the City Manager of the City of Naples, (b) to the City Manager of the City of Marco Island, (c) to the Mayor of Everglades City, and (d) to the Chief Administrative Officer of the East Naples Fire Control and Rescue District, Chief Robert Shank.

7. This Resolution shall take effect immediately upon adoption.

ADOPTED the 26th day of March, 2008 after motion, second and majority vote favoring adoption.

ATTEST:
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: [Signature]
[Deputy Clerk]
Approved as to form and legal sufficiency:

By: [Signature]
Jeffrey A. Klatzow, Chief Assistant County Attorney
EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

Parcels 18A-3 through 18G taken from Exhibit "A" to Warranty Deed Recorded at OR Book 4032, page 3951 – 3725

18A-3 (Identification No. 16940840505): All that part of Lot 9 of Naples Improvement Company’s Little Farms Subdivision, lying south of Golden Gate Parkway, recorded in Plat Book 2, Page 2, Public Records of Collier County, Florida; and

18C (Identification No. 619407600005): The East 564 feet of the West 1,184 feet of Lot 8 of Naples Improvement Company’s Little Farms Subdivision, less road right-of-way granted in Official Records Book 876, Page 1718, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court, recorded in Plat Book 2, Page 2, in the Public Records of Collier County, Florida; and

18D (Identification No. 619408000008): The East 470 feet of the West 1,654 feet of Lot 8 of Naples Improvement Company’s Little Farms Subdivision recorded in Plat Book 2, Page 2, in the Public Records of Collier County, Florida; and

18E (Identification No. 619406000004): All of Lot 8 of Naples Improvement Company’s Little Farms Subdivision, except the West 1,654 feet, according to the plat thereof recorded in Plat Book 2, Page 2, Public Records of Collier County, Florida; the East and West boundary lines of said Parcel being measured from the West line of said Lot 8 (said West line of said Lot 8 lying 25.00 feet East of the North and South 1/4 Section line of Section 27, Township 49 South, Range 25 East, Collier County, Florida); and

18F (Identification No. 619405200003): The East 338.24 feet of the West 958.34 feet of Lot 7 of Naples Improvement Company’s Little Farms Subdivision, per Plat Book 2, Page 2, in the Public Records of Collier County, Florida, less and except that portion deeded to the Board of County Commissioners described as:

Commence at the Northwest corner of said Lot 7; thence North 89° 17' 39" East along the North line of said Lot 7 for a distance of 620.00 feet to the Point of Beginning; thence continue along the North line of Lot 7 a distance of 41.60 feet to the point of intersection with the point of curve concave to the Northwest having a radius of 813.94 feet and a central angle of 26° 13' 03"; thence continue Southwesterly along said curve an arc distance of 51.30 feet to a point; thence North 00° 39' 49" West 30 feet to the Point of Beginning.

18G (Identification No. 619404800004): North 1/2 of Lot 7, Less West 1,288.34 feet Naples Improvement Company’s Little Farms, as recorded in Plat Book 2, Page 2, Public Records of Collier County, Florida.

AND

Legal Description taken from Warranty Deed recorded at OR Book 4032, Page 1876

Parcel ID Number 61940440002: The East 270.00' of the West 1313.34' of the N 112 of Lot 7, as measured from the West line of the SE 1/4 of Section 27, Township 49 South, Range 23 East, Naples Improvement Co’s Little Farms, according to the map or plat thereof as recorded in Plat Book 2, Page 2, Public Records of Collier County, Florida.

AND

Legal Description taken from Corrective Warranty Deed recorded at OR Book 4324, Page 3551

Parcel ID Number 61940520000: A parcel of land lying in Lot 7 of Naples Improvement Co’s Little Farms, as recorded in Plat Book 2, Page 2, Public Records of Collier County, Florida;
Commencing at the Southwest corner of Stoney’s Plaza as recorded in Plat Book 24, page 28 of the Public Records of Collier County, Florida, also being a point on the South line of Lot 7 of Naples Company’s Little Farms as recorded in Plat Book 2, Page 2, of the Public Records of Collier County, Florida;
Thence along the South line of said Lot 7, N.89'49''23''E. for 938.25 Feet, to a Point of Beginning of the parcel herein described;
Thence leaving said South line of Lot 7 N.00'19''14''W. for 333.05 feet to a Point on the North line of said Lot 7;
Thence along the North line of Lot 7, N.89'36''47''E. for 60.16 feet;
Thence leaving the North Line of said Lot 7 S.00'16''23''E. for 164.84 feet;
Thence N.89'36''03''E. for 270.03 Feet;
Thence N.89'37''39''E. for 631.47 Feet to a Point on a meander line lying on the Westerly side of Gordon River;
Thence along said meander line, the following two (2) described courses:
1) Thence S.26'31''13''W. for 102.98 feet;
2) Thence S.12'56''24''W. for 82.05 feet to a point on the South of said Lot 7;
Thence along the South line of said Lot 7 S.89'50''24''W. for 896.31 Feet to the point of beginning of the parcel described herein.