SECTION 3

ANNEXATIONS
PURSUANT TO
CHAPTER 171, F.S.

Chapter 171, Florida Statutes (Quick list of methods and definitions*)

Please refer to Florida Statutes for more detail

ANNEXATION BY F.S. 171.0413 Annexation Procedures

Any municipality may annex contiguous, compact, unincorporated territory using one of the following methods:

1. ANNEXATION BY SECTION. 171.0413, F.S. – WITH A REFERENDUM

A referendum is held in the area to be annexed. (choice can only be "yes" or "no.")

2. ANNEXATION BY SECTION 171.0413, F.S. – WITHOUT REFERENDUM (NO VOTERS LIVING IN AREA TO BE ANNEXED 50% OF LANDOWNERS MUST CONSENT TO ANNEXATION)

There must be consent of more than 50% of the landowners in the area to be annexed if there are no registered voters living in the area.

3. ANNEXATION BY SECTION. 171.044, F.S. - VOLUNTARY ANNEXATION (ORDINANCE)

This process is usually used when there are a limited number of property owners all of whom want to become annexed by a municipality.

4. ANNEXATION BY SECTION 171.046, F.S. - ANNEXATION OF ENCLAVES

DEFINITION OF ENCLAVES: Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality (section 171.031(13)(a), F.S.;

or:

Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality. (section 171.031(13)(b), F.S.

^{*}This is an overview. There are many other specific requirements to accomplish annexation under Chapter 171, F.S.

ANNEXATION/DEANNEXATION PURSUANT TO CHAPTER 171, F.S.

The Broward Legislative Delegation requires that all requirements for annexation/deannexation under Chapter 171, F.S., be accomplished **PRIOR** to requesting a hearing before the Delegation. Although there is no deadline in law for annexations/deannexations under this process, the Delegation is requesting that your municipality submit all requests and required materials by **noon on Friday, September 29, 2023.** Any request for a hearing on a Chapter 171, Florida Statutes, annexation/deannexation must be accompanied by the following:

Evidence that all requirements of Chapter 171, F.S. have been accomplished PRIOR to a hearing before the legislative delegation.

NOTE: The following outlines the requirements of the Broward Legislative Delegation. Chapter 171, F.S. defines statutory requirements which must also be met to achieve annexation/deannexation.

A request for hearing before the Delegation must include any or all of the following (if applicable):

- 1. Petition from property owner or proof of referendum.
- 2. Copy of <u>Ordinance</u> (<u>NOT THE RESOLUTION</u>) showing effective date of September 15 following adjournment sine die of the next Legislative Session.
- 3. A full legal description of the property being annexed.
- 4. A certified map drawn by a Florida certified land surveyor or engineer. Said person shall be responsible for ensuring that the full legal description and the certified map are the same.
- 5. Report and plan addressed to the Delegation concerning employee displacement. Annexing municipalities may obtain information regarding employee displacement from the following:

Broward County Government
Office of Budget Services
Assistant Director, Jennifer
Steelman
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
954-357-6226
isteelman@broward.org

Colonel Oscar Llerena 2601 West Broward Bouleva

Broward Sheriff's Office

2601 West Broward Boulevard Fort Lauderdale, Florida 33312 954-321-4647

Oscar Ilerena@sheriff.org

- 6. A map showing the area to be annexed in relation to the surrounding area.
- 7. 1 original and an electronic version on the packet: aknowles@broward.org.

The information above is the **ONLY** information needed. Please do not include any additional information. 3-2

Below are the four different methods of annexation using Chapter 171, F.S.:

I. Annexation by Chapter 171.044, F.S. Voluntary Annexation (Ordinance) (Sample of backup is included)

(This process is usually used when there are a limited number of property owners who all want to become a part of a municipality.)

- 1. Agreement is reached between the property owners and the municipality regarding annexation.
- 2. Two advertised public hearings shall be held by the annexing municipality prior to enactment of an ordinance to annex the property.
- 3. A request for a hearing on a Chapter 171, F.S. annexation should be filed with the Delegation by noon on Friday, September 29, 2023. The request may be heard by the Annexation Committee. However, a hearing before the committee shall NOT be considered as having met the requirements of Chapter 96-542, Laws of Florida.
- 4. The request may be scheduled for hearing before the Broward Legislative Delegation. If no objections are made by members of the Delegation at the hearing, the annexation shall become effective by municipal ordinance on the 15th day of September following adjournment sine die of the next regular Legislative Session following the accomplishment of all procedures necessary for annexation pursuant to Chapter 171, F.S. (Chapter 99-447, Laws of Florida)
- 5. If members of the Delegation object, the requesting entity may withdraw the request OR the Delegation may approve a local bill that will invalidate the ordinance.

II. Annexation by Chapter 171.046, F.S. - Annexation of Enclaves

DEFINITION OF ENCLAVES: Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality (section 171.031(13)(a),F.S.;or;

Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality. (section 171.031(13)(b), F.S.)

- A municipality may annex an enclave by interlocal agreement with the county having jurisdiction of the enclave; or Annex an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave (providing the area is developed or improved.)
 - A request for a hearing on an annexation of an enclave should be filed with the Delegation by noon on Friday, September 29, 2023. The request may be heard by the Annexation Committee. However, a hearing before the committee shall NOT be considered as having met the requirements of Chapter 96-542, Laws of Florida.

- 3. If no objections are made by members of the Delegation, the annexation of the enclave shall become effective by municipal ordinance on the 15th day of September following adjournment sine die of the next regular Legislative Session following the accomplishment of all procedures necessary for annexation pursuant to Chapter 171, Florida Statutes. (Chapter 99-447, Laws of Florida)
- 4. If members of the Delegation object, the requesting entity may withdraw the request OR the Delegation may approve a local bill that will invalidate the ordinance.

III. Annexation by Chapter 171.0413, F.S. - Referendum

- 1. The annexing municipality should schedule two public hearings prior to adoption of an ordinance setting out the annexation and referendum. (It is recommended that any municipality using this process, refer to section 171.0413, F.S. for more details on this process.)
- 2. A referendum is held in the area to be annexed (choice can only be "yes" or "no.")
- A request for a hearing on the annexation should be filed with the Delegation by noon on Friday, September 29, 2023. The request may be heard by the Annexation Committee. However, a hearing before the committee shall NOT be considered as having met the requirements of Chapter 96.542, Laws of Florida.
- 4. The request may be scheduled for hearing before the Broward Legislative Delegation. If no objections are made by members of the Delegation at the hearing, the annexation shall become effective by municipal ordinance on the fifteenth day of September following adjournment sine die of the next regular Legislative Session following the accomplishment of all procedures necessary for annexation pursuant to Chapter 171, Florida Statutes. (Chapter 99-447, Laws of Florida)
- 5. If members of the Delegation object, the requesting entity may withdraw the request OR the Delegation may approve a local bill that will invalidate the ordinance.

IV. Annexation by Chapter 171.0413(5) & (6), F.S. - Without Referendum

(No voters living in area to be annexed - 50% of landowners must consent to annexation)

- 1. There must be consent of more than 50% of the landowners in the area to be annexed if there are no registered voters living in the area.
- 2. The annexing municipality should schedule two public hearings prior to adoption of an ordinance setting out the annexation. (It is recommended that any municipality using this process, refer to section 171.0413, F.S. for more detail on this process.)
- 3. A request for a hearing on the annexation should be filed with the Delegation by noon on Friday, September 29, 2023. The request may be heard by the Annexation Committee. However, a hearing before the committee shall not be considered as having met the requirements of Chapter 96-542, Laws of Florida.

- 4. The request may be scheduled for hearing before the Broward Legislative Delegation. If no objections are made by members of the Delegation at the hearing, the annexation shall become effective by municipal ordinance on the fifteen day of September following adjournment sine die of the next regular Legislative Session following the accomplishment of all procedures necessary for annexation pursuant to Chapter 171, Florida Statutes. (Chapter 99-447, Laws of Florida)
- 5. If members of the Delegation object, the requesting entity may withdraw the request OR the Delegation may approve a local bill that will invalidate the ordinance.

Included for your review is a sample of a voluntary annexation.

CHECKLIST ANNEXATION PURSUANT TO CHAPTER 171, F.S.

LETTER TO DELEGATION REQUESTING A HEARING
COPY OF ORDINANCE
CERTIFIED MAP AND LEGAL DESCRIPTION
MAP SHOWING SURROUNDING AREA
Make sure that this map includes any contiguous municipalities and majo crossroads.
EMPLOYEE DISPLACEMENT INFORMATION
1 ORIGINAL OF THE ABOVE INFORMATION.
Email packet and copies of supporting documents to aknowles@broward.org

SAMPLE CHAPTER 171.044, F.S.

(Voluntary Annexation)

Office of the City Manager



Phone: (954) 746-3430 Fax: (954) 746-3439

October 27, 2011

Ms. Sandy Harris
Executive Director
Broward Legislative Delegation Office
115 South Andrews Avenue, Room 429
Fort Lauderdale, Florida 33301

RE: Request for Hearing for Annexations

Dear Ms. Harris:

On October 25, 2011, the City of Sunrise passed Ordinances 542 and 543 (attached) authorizing the voluntary annexation of two unincorporated single family parcels. Pursuant to Chapter 171, Florida Statutes, the City of Sunrise would like to request that Broward Legislative Delegation hold public hearings before the end of the this year's legislative session, in order for these annexations to become effective on September 15, 2012. It should be noted that there would be no employees displaced as a result of this these annexations.

For each annexation, I have enclosed one (1) original and 19 copies the following items:

- Petition from each property owner.
- City Ordinance showing effective date of September 15, 2012.
- A full legal description of the property being annexed.
- A certified map drawn by a Florida certified land surveyor.
- Information concerning employee displacement Broward Sheriff's Office.
- A map showing the area to be annexed in relation to the surrounding area.

The City Commission and I appreciate the attention of the Broward Legislative Delegation to this request. Please advise me of the hearing date(s). Should you require additional information of have any questions, please feel free to contact me at (954) 746-3430.

Bruce J. Moeller, Ph.D.

City Manager

Sincerely

cc: Kimberly A. Kisslan, City Attorney

Josie P. Sesodia, AICP, Assistant Director, Community Development Dept.

Encl. (40)

CITY CLERK CITY OF SUNRISE 11 OCT 26 AM 9: 05

a part

SUNRISE, FLORIDA

ORDINANCE NO. 543

CERTIFICATION

I certify this to be a true and correct copy of the original document on file at Sunrise City Hall.

Witness my hand and officiel seal of the City of Sunrise, Florida this 26 day of CHARLEST BLUE

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, PROVIDING FOR THE ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF SUNRISE OF APPROXIMATELY .25 ACRES OF PROPERTY LOCATED AT LOT 11, BLOCK E, NEW RIVER ESTATES SECTION ONE, AS RECORDED IN PLAT BOOK 103, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEARING PROPERTY NUMBER 504009020900; CONTAINING PROVISIONS FOR IMPLEMENTATION AND FILING WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 171.044, Florida Statutes provides a procedure for voluntary annexation; and

WHEREAS, the Owners of a parcel of land has submitted a Petition for Voluntary Annexation ("Exhibit A") which has been presented to the City Commission to annex the parcel of land into the City of Sunrise, which parcel is described in Section 2, below and is referred to as the "Land;" and

WHEREAS, the City Commission has determined that the requirements of Section 171.044, Florida Statutes, pertaining to voluntary annexations, have been complied with in that:

A. The Land is located in an unincorporated area of
Broward County, is contiguous of the City of Sunrise,
is reasonably compact, is not included in the boundary

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ORDINANCE NO. 543

- of another municipality, and its annexation will not create an enclave;
- B. The Petition for Annexation (Exhibit "A") contains the signatures of all owners of the Land to be annexed into the City of Sunrise;
- C. Prior to second reading of this Ordinance, the Ordinance has been advertised for two (2) consecutive weeks in a newspaper published in the City of Sunrise, County of Broward, as required by Section 171.044, Florida Statutes;
- D. The City provided a copy of the notice, via certified mail, to the Board of County Commissioners of Broward County as required by Section 171.044, Florida Statutes (Exhibit "B");

WHEREAS, the City Commission finds that annexation of the Land is in the best interest of the City of Sunrise, will promote orderly planning, and the City of Sunrise is prepared to provide all necessary municipal services to the Land; and

WHEREAS, the City Commission, pursuant to the provisions of Section 171.044, Florida Statutes, desires to annex the Land and to redefine the boundary lines of the City of Sunrise to include such property;

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That subject to the conditions provided herein, the corporate boundaries of the City of Sunrise, Florida, are hereby extended, enlarged and redefined to include the following real property legally described by metes and bounds and depicted on the map marked Exhibit "C," which is attached hereto and made a part hereof.

Section 3. The current land use and zoning remain unchanged by the Ordinance and shall be as provided in Section 171.062(2), Florida Statutes, until such time as the City of Sunrise adopts a comprehensive plan that includes the annexed property.

Section 4. The City shall take all necessary actions before the Broward County Legislative Delegation ("Delegation") to request a public hearing in compliance with Chapters 96-542 and 99-447, Laws of Florida, relating to annexation, and the annexation of the Land described herein into the corporate boundaries of the City of Sunrise is conditioned upon the approval of the Delegation.

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ORDINANCE NO. 543

Section 5. Within seven (7) days after the adoption of this Ordinance, the City Clerk shall file a copy of it with the Clerk of the Circuit Court of Broward County, the County Administrator for Broward County, and the Department of State. Within seven (7) days after approval by the Delegation, the City Clerk shall file a Notion of Delegation Approval with a copy of the approved Ordinance in the same manner.

Section 6. It is the intention of the City Commission that appropriate City Staff make such amendments to the Official boundary map of the City in order to redefine the boundary lines of the City of Sunrise to include the Land and that such amendments become and be made a part of the Charter of the City of Sunrise in accordance with Section 8.01 of the Charter.

Section 7. This Ordinance shall be effective immediately upon adoption but the annexation provided herein shall become effective on 12:01 a.m. on September 15, 2012, following adjournment sine die of the next Legislative session; at such time the Land shall become a part of the City of Sunrise, to be governed by the City and subject to the laws and regulations of the City.

Section 8. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code

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sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 10. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 11. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this $\underline{11TH}$ DAY OF OCTOBER, 2011.

PASSED AND ADOPTED upon this second reading this $\underline{25\text{TH}}$ DAY OF OCTOBER, 2011.

Mayor Michael T Ryar

KAKRG0926

Authentication:

City Clerk

FIRST READING

SECOND READING

MOTION: SECOND: ROSEN

MOTION:

ROSEN

SCUOTTO

SECOND:

SOFIELD

ALU: ROSEN: YEA YEA ALU: ROSEN: ABSENT YEA

YEA

YEA SCUOTTO:

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SCUOTTO: SOFIELD:

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SOFIELD: RYAN:

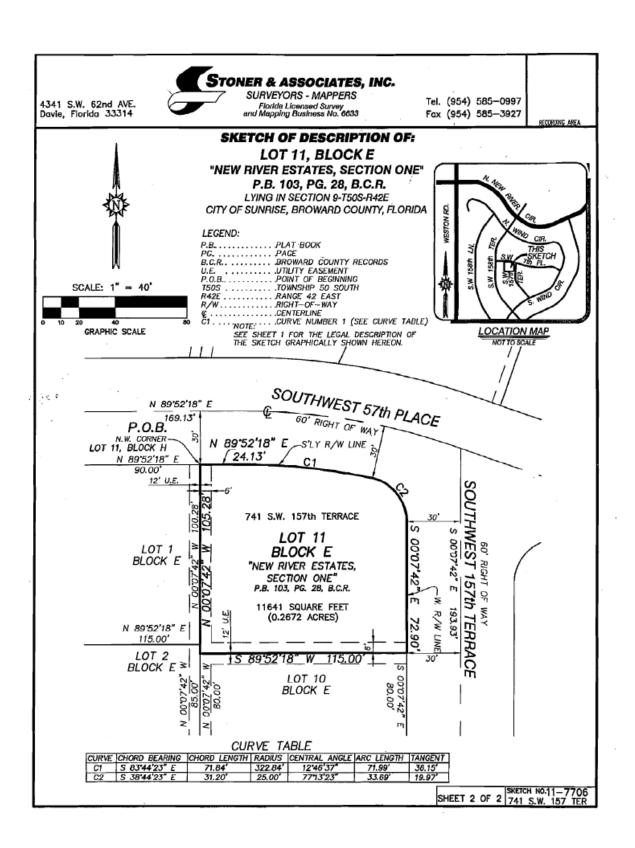
YEA

RYAN:

Approved by the City Attorney As to Form and Legal Sufficiency. (Limberly A. Kisslan

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STONER & ASSOCIATES, INC.

4341 S.W. 62nd Avenue Davie, Florida 33314 SURVEYORS - MAPPERS Florida Licensed Survey and Mapping Business No. 6633

Tel. (954) 585-0997 Fax (954) 585-3927

RECORDING AREA

LEGAL DESCRIPTION OF:

LOT 11, BLOCK E "NEW RIVER ESTATES, SECTION ONE" P.B. 103, PG. 28, B.C.R.

LYING IN SECTION 9-T50S-R42E CITY OF SUNRISE, BROWARD COUNTY, FLORIDA

LOT 11, BLOCK E, "NEW RIVER ESTATES, SECTION ONE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 103, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11:

THENCE NORTH 89°52'18" EAST, A DISTANCE OF 24.13 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTH;

THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 12'46'37" AND A RADIUS OF 322.84 FEET FOR AN ARC DISTANCE OF 71.99 FEET TO A POINT OF COMPOUND CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 77'13'23" AND A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 33.69 FEET TO A POINT OF TANGENCY;

THE LAST THREE (3) COURSES BEING COINCIDENT WITH THE SOUTHERLY RIGHT OF WAY LINE OF SOUTHWEST 57th PLACE, AS SHOWN IN SAID PLAT OF "NEW RIVER ESTATES, SECTION ONE", SHEET 3 OF 4:

THENCE SOUTH 00'07'42" EAST, ALONG THE WEST RIGHT OF WAY LINE OF SOUTHWEST 157th TERRACE, AS SHOWN IN SAID PLAT OF "NEW RIVER ESTATES, SECTION ONE", SHEET 3 OF 4, A DISTANCE OF 72.90 FEET;

THENCE SOUTH 89'52'18" WEST, A DISTANCE OF 115.00 FEET;

THENCE NORTH 00"07'42" WEST, A DISTANCE OF 105.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF SUNRISE, BROWARD COUNTY, FLORIDA, CONTAINING 11,641 SQUARE FEET (0.2672 ACRES), MORE OR LESS.

NOTES:

- THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD.
- 2. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY).
- 3. THIS SKETCH OF DESCRIPTION WAS PREPARED BY THIS FIRM WITHOUT THE BENÉFIT OF A TITLE SEARCH. AND WAS BASED ON:
 - A. BROWARD COUNTY PROPERTY APPRAISER'S NETWORK. PROPERTY ID# 5040-09-02-0900
 - B. WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 11745, PAGE 660, BROWARD COUNTY.
- C. PLAT OF "NEW RIVER ESTATES, SECTION ONE", RECORDED IN P.B. 103, PG. 28, BROWARD COUNTY.
- 4. BEARINGS SHOWN HEREON ARE PER PLAT, WHICH ARE BASED ON THE TRANSVERSE MERCATOR CRID SYSTEM, FLORIDA EAST ZONE, PER MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY.

CERTIFICATE: THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY		98
THIS IS TO CETTEY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FUTHER CETTETY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS		NF.
SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE,	SEAL	27
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PROFESSIONAL SURVEYOR AND MAPPER NO. 6081 STATE OF FLORIDA	AN EMBOSSED SURVEYOR'S SEAL	2 v
THE MATERIAL SHOWN HEREON IS THE PROPERTY OF STONER & ASSOCIATES INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR DATE OF SKETCHE DRAWN BY CHECKED BY FIELD BOOK	SORVETOR S SEAL	용
ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR DATE OF SKETCH: DRAWN BY CHECKED BY FIELD BOOK IN PART WITHOUT PERMISSION OF STONER & ASSOCIATES, INC. 10/03/11 WDLR JDS N/A	SUFET 1 OF 2	區內
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Property Owner Petition

PETITION FOR VOLUNTARY ANNEXATION

The undersigned are the fee simple owners ("Owner") of real property located at 741 SW 157 Terrace, Sunrise, Florida 33326, and hereby voluntarily petition the CITY OF SUNRISE ("City") to annex Owner's real property in accordance with Section 171.044, Florida Statutes, as follows and states:

- Owner owns real property general described as LOT 11, BLOCK E, NEW RIVER ESTATES SECTION ONE, as recorded in Plat Book 103 at Page 28 of the Public Records of Broward County, Florida, also known as 741 SW 157 Terrace, Sunrise, FL which bears Tax Folio No. 5040 09 02 0900.
- Owner hereby petitions the City for voluntary annexation of Owner's real property which is contiguous to the CITY and asks the CITY include said real property within its corporate boundary lines.

Richara Rubio Date:

Kim Rubio

Kim Rubio Date:

Return to:

Josie P. Sesodia, AICP

Assistant Director/City Planner Community Development Dept.

City of Sunrise

1601 NW 136 Avenue, Building A

Sunrise, Florida 33323