

WALKON <sup>CD</sup> ✓

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20061352

- 1. ACTION REQUESTED/PURPOSE:** 1) Authorize staff to formally object to the proposed annexation of Section 29 into the City of Bonita Springs, and 2) Authorize the County Attorney to file the appropriate challenge in Circuit Court.
- 2. WHAT ACTION ACCOMPLISHES:** Provides the County standing for an eventual legal challenge to the annexations.
- 3. MANAGEMENT RECOMMENDATION:** Authorize staff to formally object and the County Attorney to file the appropriate challenge.

<b>4. Departmental Category:</b> 04		<b>5. Meeting Date:</b> 10/10/06
<b>6. Agenda:</b> <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input checked="" type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	
		<b>8. Request Initiated:</b> <b>Commissioner</b> _____ <b>Department</b> Community Development <b>Division</b> Planning <b>By:</b> Paul O'Connor, Director POC 10/6/06

**9. Background:**  
The City of Bonita Springs conducted a Public Hearings on October 3, 2006 to consider the first reading of an ordinance calling for a special election by mail ballot to increase the territorial limits of the City. The area to be annexed is that portion of Section 29, Township 47South, Range 26 East, which is currently outside of the City's boundary. The second public hearing and ordinance reading is scheduled for October 18<sup>th</sup>. Section 29 lies east of Bonita Grande Drive 1 mile north of Bonita Beach Road.

This annexation is being initiated by the City and requires a referendum by the "registered electors" of the area that is proposed for annexed. Florida Statute 171.043 requires that this type of involuntary annexation meet specific standards for the character of the areas to be annexed. Planning staff has reviewed those standards and finds that the proposed annexation **does not meet** these statutory requirements. In particular, the area: **does not have** a total resident population equal to at least two persons for each acre; **does not have** a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; and, **does not have** at least 60 percent of the total number of lots and tracts in the area at the time of annexation used for urban purposes. In addition, the property **does not** lie between the municipal boundary and an area developed for urban purposes and **it is not** adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
M. Gibbs	NA	NA	NA	[Signature]	10/6/06	10/6/06	10/6/06	10/6/06	[Signature]

**11. Commission Action:**  
 Approved **Authorize staff to continue dialogue**  
 Deferred  
 Denied  
 Other  
**J/A**

RECEIVED BY COUNTY ADMIN: [Signature]  
10/6/06 2:07 PM  
COUNTY ADMIN FORWARDED TO: [Signature]  
10/9/06  
10:30 AM


Rec. by CoAtty  
Date: 10/6/06  
Time: 2:05 PM  
Forwarded To: Co. Admin  
10/6/06 2:10 PM

# MEMORANDUM

FROM  
THE DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DIVISION OF PLANNING

DATE: October 6, 2006

TO: Molly Schweers

FROM:   
Paul O'Connor, Director

RE: **Walk on Bluesheet for October 10, 2006**

The attached Bluesheet, Number 20061352, needs to be a Walk-On for the October 10, 2006 regular Board Meeting. This Walk-On was requested by the Board at their October 3, 2006 meeting.