

RESOLUTION 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA; REJECTING A PETITION TO CONTRACT THE MUNICIPAL BOUNDARIES OF POLK CITY; MAKING FINDINGS IN SUPPORT OF REJECTING A PETITION TO CONTRACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, William A. and Martha Porter filed a petition to contract a parcel of land 0.37 acres in size designated Lot 83 in Clearwater Lake Estates, an unrecorded subdivision, with an address of 258 Waterview Drive in the City; and

WHEREAS, Sections 171.051 and 171.052, Florida Statutes, provides that upon receipt of such a petition, the City must investigate the petition, prepare a feasibility study, determine the property's eligibility to be contracted from the city limits, and make such other findings after a public hearing; and,

WHEREAS, the City Council of the City of Polk City has hired a professional consultant, GAI Consultants, to perform a feasibility study entitled "Projected Fiscal Impacts to the City of Polk City, Florida", which is hereby incorporated in its entirety in this Resolution; and,

WHEREAS, City has determined that Lot 83 is not eligible to be contracted and it would be financially unfeasible for the City to contract Lot 83 because (1) the proposed contraction does not comply with section 171.052, Florida Statutes, in that the land meets the criteria for annexation under 171.043, to de-annex would create an enclave, and there is no agreement for the County to provide services in lieu of the City to this single parcel, (2) the feasibility study

demonstrates an adverse financial impact to the City for which no mitigation has been proposed or provided; and (3) excluding the property from the City would not be feasible based on the economic loss to the City.

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

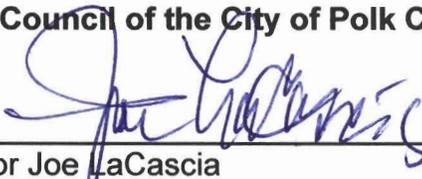
SECTION 1. Recitals and Findings Incorporated. The City Council hereby finds that the above recitals and the findings therein are found to be true and correct, and are incorporated herein.

SECTION 2. Rejection of Petition to Contract and Vote Not to Contract Lot 83. The City Council of the City of Polk City hereby rejects the Petition to Contract Lot 83 based on the above findings, and hereby votes not to contract its municipal boundaries by the contraction of Lot 83.

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its adoption.

RESOLVED, PASSED AND CERTIFIED AS TO PASSAGE THIS 13TH DAY OF August, 2012.

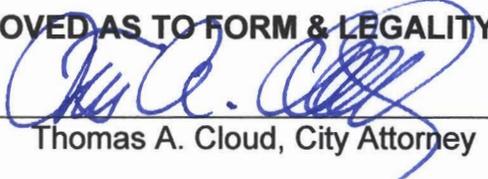
City Council of the City of Polk City



Mayor Joe LaCascia

ATTEST:


City Clerk Patricia R. Jackson

APPROVED AS TO FORM & LEGALITY:


Thomas A. Cloud, City Attorney