MINUTES OF THE REGULAR SESSION OF THE CITY COMMISSION HELD TUESDAY, JANUARY 19, 2021, AT 6:00 PM AT THE CITY OF KISSIMMEE, CITY HALL COMMISSION CHAMBERS LOCATED AT 101 CHURCH STREET, KISSIMMEE, FLORIDA

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Commissioners Olga Castano, Felix Ortiz, Carlos Alvarez, Jim Fisher
Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, City Clerk Linda Hansell
Members Absent: None

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence, Commissioner Fisher led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A OSCEOLA REGIONAL MEDICAL CENTER UPDATE

Update from Osceola Regional Medical Center on all the investments occurring on their medical campus.

Belinda Kirkegard, Economic Development Director, introduced Davide Carbone, CEO of Osceola Regional Medical Center.

Davide Carbone presented a PowerPoint Presentation (Exhibit "A") on the history of Osceola Regional Medical Center.

Mayor Gonzalez congratulated Osceola Regional for the job they are doing and commented on a recent positive experience with the hospital.

Mr. Carbone explained with the COVID-19 Pandemic they have experienced the loss of staffing due to retirement, taking care of children, and others who have traveled to hotspots for increased salaries.

3.B CORONAVIRUS RELIEF FUND PROGRAM UPDATE

To provide an update on the Coronavirus Relief Fund Program.

The staff presenter was not available; this item was moved to the February 2, 2021 Meeting.

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

4.A PUBLIC HEARING - FIRST READING - VOLUNTARY ANNEXATION: FOUR WINDS, DRC#20-00088 - PROPOSED ORDINANCE #20-20

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN HEREIN DESCRIBED LAND, TO THE CITY OF KISSIMMEE, FLORIDA, FURTHER PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH LAND AFTER ITS ANNEXATION, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

Approval of an application to annex approximately 36 acres of property on Four Winds Boulevard west of W. Irlo Bronson Memorial Highway and north of Oren Brown Road.

City Attorney Sanchez de Fuentes read Proposed Ordinance # 20-20 by title.

Mayor Gonzalez announced the Public Hearing.

The following individuals were present in person or via CMT (Communications Media Technology) to express their opposition to the Voluntary Annexation of Four Winds (Proposed Ord # 20-20). Opposition was received via email or in person (Exhibit “B“).

Reasons for Opposition: lack of traffic control devices and an increase traffic, single road access in poor condition, ingress and egress limited to and from County/State roads, no sidewalks, no street lights, increase in crime, damage to the watershed and ecosystem, flooding, endangering wetland area and displacing wildlife, land conservation, inadequate sewage pumping station, stormwater management, property purchased to development 1-unit per acre but proposal is for 30-units per acre, families forced to move from their homes, and a desire to keep their neighborhood quiet and peaceful.

Megan Miller, 4690 South Wind Boulevard, Kissimmee, 34746
Jay Wheeler, 1524 Four Winds Boulevard, Kissimmee, 34746
Cheryl Battey, 1500 E. Wind Boulevard, Kissimmee, 34746
Angel Fernandez, 2775 North Wind Boulevard, Kissimmee, 34746
Jo Anne Kani-Miller, 4690 South Wind Boulevard, Kissimmee, 34746
Carlos Santamaria, 1475 E. Wind Boulevard, Kissimmee, 34746
Josephine Ventura, 4735 South Wind Boulevard, Kissimmee, 34746

Joe Civiletti, 4750 North Wind Boulevard, Kissimmee, 34746
Bonnie Jean Grady, 4760 North Wind Boulevard, Kissimmee, 34746
Scott Amundsen, 4760 North Wind Blvd, Kissimmee, 34746

Brenda Ryan, Development Services, provided the staff report and explained this is the First Reading of a Voluntary Annexation of 36-acres that are contiguous to the City limits. There is no request for any additional properties or roadways to be annexed at this time. Staff is recommending approval and we have provided the comments received from the property owners as part of the agenda as well as hand-outs on the dais. It needs to be noted that this is a voluntary annexation which means the property owner is requesting this property be annexed into the City. The City has not received any proposals for the wetlands impact or a traffic study. The only request being considered tonight is whether this property meets the requirements of a voluntary annexation.

Adriannis Suarez, KPM Franklin, 1012 Emmett Street, Kissimmee, representing South American Holdings and Juan Francisco Nagaro, addressed the concerns of the neighbors and Osceola County in a letter provided with the Agenda. They will comply with the City and State requirements. The plans are preliminary, and the developer is asking for the voluntary annexation be approved. They do not want any negative impacts to the surrounding properties and traffic will be considered.

Commission Fisher made a motion to send back to staff to have the concerns addressed. Commissioner Castano seconded the motion.

City Attorney Sanchez de Fuentes reminded the Commission that the only item that is being addressed is the voluntary annexation, it meets the criteria and is contiguous with the City. A Voluntary Annexation is discrepancy and not a Legislative Act.

Commissioner Fisher withdrew his motion.

Mayor Gonzalez requested the developer meet with the residents to address their concerns.

Brenda Ryan reminded the Commission that this is only related to the annexation and there are provisions within the Florida Statutes relating to site development requirements and any adverse impacts to be addressed. Once the impacts are identified they can be addressed, but without that data being available a decision based on the facts could not be made.

Commissioner Carlos Alvarez moved to deny the Voluntary Annexation of Fours Winds as set in Proposed Ordinance # 20-20. Commissioner Olga Lucia Castano seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Commissioner Castano	AYE

Commissioner Ortiz	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

4.B PUBLIC HEARING - FIRST READING - TRANSMITTAL HEARING FOR LAND USE MAP AMENDMENT: FOUR WINDS, DRC#20-110 - PROPOSED ORDINANCE #20-24

AN ORDINANCE AMENDING ORDINANCE NO. 3018 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE

Requesting approval to transmit the Future Land Use Map amendment to the Department of Economic Opportunity (DEO).

Due to the denial of the Voluntary Annexation, this item was no longer valid.

5. PUBLIC HEARINGS

None.

6. HEAR AUDIENCE

None.

7. CONSENT AGENDA

THE CONSENT AGENDA IS A TECHNIQUE DESIGNED TO EXPEDITE HANDLING OF ROUTINE MISCELLANEOUS BUSINESS OF THE CITY COMMISSION. THE CITY COMMISSION IN ONE MOTION MAY ADOPT THE ENTIRE AGENDA. THE MOTION FOR ADOPTION IS NON-DEBATABLE AND MUST RECEIVE UNANIMOUS APPROVAL. BY REQUEST OF ANY INDIVIDUAL MEMBER, ANY ITEM MAY BE REMOVED FROM THE CONSENT AGENDA AND PLACED UPON THE REGULAR AGENDA FOR DEBATE.

Commissioner Jim Fisher moved to approve the Consent Agenda in its entirety. City Commissioner Felix Ortiz seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Castano	AYE
Commissioner Ortiz	AYE
Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

7.A COMMISSION MINUTES APPROVAL

Request Commission approval of the December 15, 2020 Commission Minutes.

7.B KISSIMMEE POLICE DEPARTMENT MUNICIPAL INTERLOCAL VOLUNTARY COOPERATION MUTUAL AID AGREEMENT

Approval to enter into a Municipal Interlocal Voluntary Cooperation Mutual Aid Agreement with various jurisdictions that will expire on January 1, 2025.

7.C AUTHORIZATION TO SUBMIT APPLICATION FOR 2021-22 VOCA GRANT

Authorization to submit an application to the Office of the Attorney General for the Victim of Crimes Act (VOCA) grant for fiscal year 2021-2022.

7.D RATIFICATION OF EXECUTIVE ORDERS 2020-43 AND 2020-44

City Commission ratification of Executive Order 2020-43 issued January 4, 2021 and Executive Order 2020-44 issued January 11, 2021 for the extension of the Local Declaration of Emergency to January 17, 2021.

7.E PURCHASE COMPUTER STRESS ANALYSIS (CVSA) SYSTEM WITH TRADE

Approval for the Police Department to purchase a Voice Stress Analysis computer and trade-in of outdated equipment.

7.F AUTHORIZATION TO PURCHASE NEW CARPET FOR THE POLICE DEPARTMENT FROM MOHAWK

Request approval to purchase carpeting from Mohawk via the State contact for the Police Department for a total cost of $52,423.

7.G AMENDMENT TO CONTRACT FOR POST-DESIGN SERVICES FOR TOHO-VALENCIA TRAIL II PROJECT

Approval to amend Work Order No. 1 with Metro Consulting Group, LLC. for the TOHO-Valencia Trail II Project (FPN 439084-1-38-01) in the amount of $35,712 and to amend the project budget by transferring funds into the project from the General Fund.

8. DISCUSSION ITEMS

8.A ADVISORY BOARD APPOINTMENT

Request the Commission make an appointment to fill a vacancy on the Police Pension Board due to the resignation of Jose Colon.

Commissioner Jim Fisher moved to appoint Catalin Cruz to the Police Pension Board. Commissioner Carlos Alvarez seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Castano	AYE
Commissioner Ortiz	AYE
Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

CITY MANAGER STEIGERWALD

City Manager Steigerwald informed the Commission that staff is working towards hosting the first in person event with the 5K at the Lakefront through downtown. This event was approved last year by the Parks and Recreation Advisory Board and all funds for waivers were carried over from last year. There will be requirements for safety and protective coverings.

9.B CITY ATTORNEY

CITY ATTORNEY SANCHEZ DE FUENTES

Nothing.

9.C CITY COMMISSION

COMMISSIONER CASTANO

Nothing.

COMMISSIONER ORTIZ

Commissioner Ortiz made a motion to extend the suspension of building permit fees for an additional six (6) months; expired December 31, 2020. Commission Alvarez seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Commissioner Castano	AYE
Commissioner Ortiz	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

COMMISSIONER ALVAREZ

Nothing.

COMMISSIONER FISHER

Commissioner Fisher expressed relief for the re-opening of an outdoor event and getting back to a sense of normalcy.

Commissioner Fisher commented on concerns with the Annexation going back to the County.

City Attorney Sanchez de Fuentes reminded the Commission the Public Hearing on the annexation is closed and there need for further discussion.

MAYOR GONZALEZ

Nothing.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Gonzalez adjourned the meeting at 7:10 PM.

Olga Gonzalez
MAYOR-COMMISSIONER

ATTEST:

Linda S Hansell
CITY CLERK

Exhibit “A”
PowerPoint Presentation
Osceola Regional Hospital
Item 3.A.

OSCEOLA
REGIONAL MEDICAL CENTER

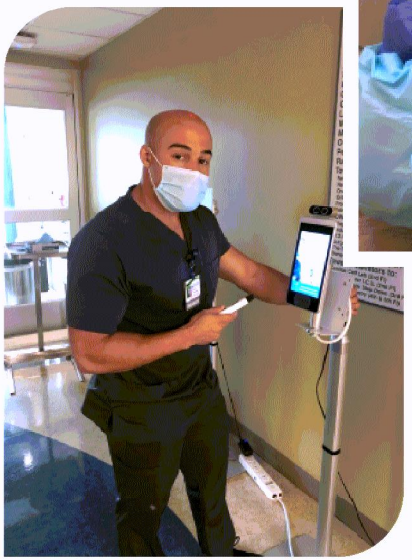
Caring For Osceola County
Yesterday, Today and Tomorrow



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Our Mission Statement

Above all else, we are committed to the care and improvement of human life.











OSCEOLA REGIONAL MEDICAL CENTER

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Celebrating

OSCEOLA REGIONAL MEDICAL CENTER

85 years

1933-2018

HCA HEALTHCARE

50 years

1968-2018

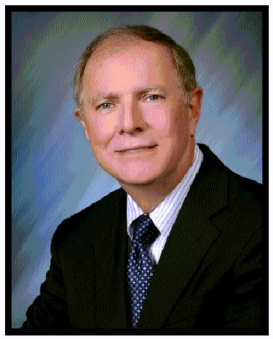
Improving life.
Making history.



OSCEOLA REGIONAL MEDICAL CENTER

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Osceola Regional Medical Center
Administrative Team



Davide Carbone, FACHE
Chief Executive Officer



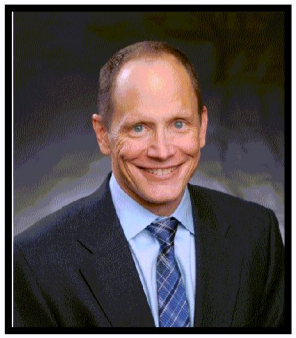
Steve Gordon, FACHE
Chief Operating Officer



Barbara K. Watson,
MS, RN, NEA-BC, CPPS, HACP
Chief Nursing Officer



Carrie M. Biggar
Chief Financial Officer



Ross Taylor, MD
Chief Medical Officer

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Governance

13 Member Governing Board comprised of Local Community Leaders

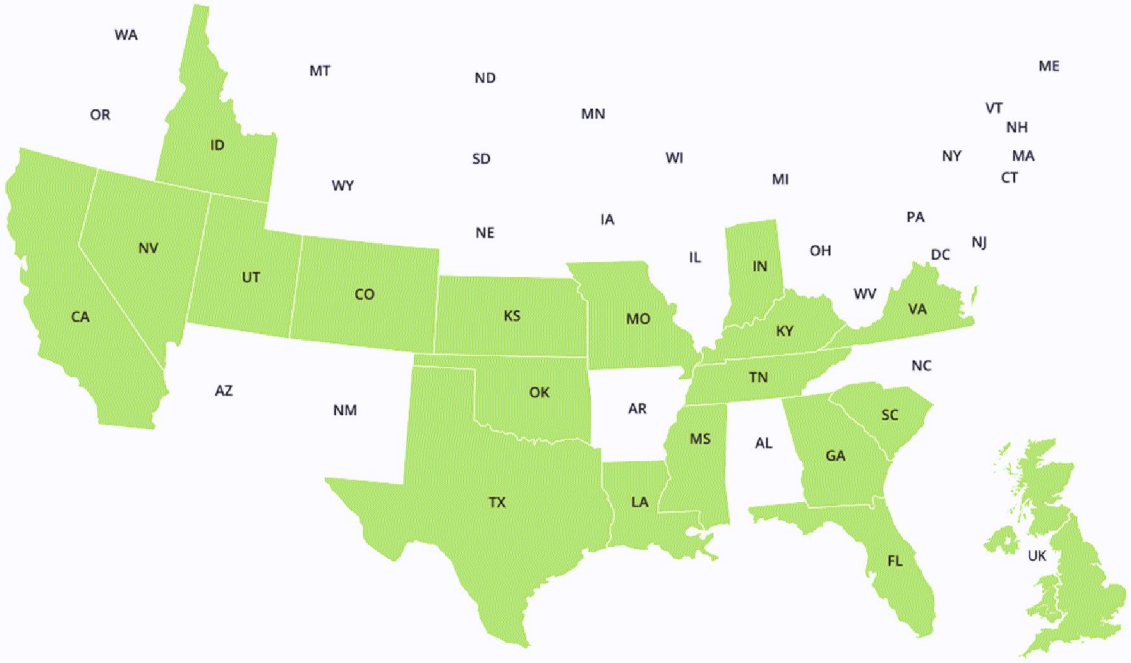
- **Chairman** - Atlee Mercer, Chair, Osceola Co. Expressway Authority; Former Osceola County Commissioner
- **Vice-Chair** - Jo Thacker, Attorney, Broad and Cassel Attorneys at Law
- **Secretary** - Davide Carbone, Chief Executive Officer, Osceola Regional Medical Center
- Richard Hammett, President HCA North Florida Division
- Mike Horner, Consultant/Lobbyist
- ✓ Sayed Hussain, M.D., Practicing Interventional Cardiologist
- Belinda Kirkegard, Economic Development Director, City of Kissimmee
- Grant Lacerte, Vice President and General Counsel, Kissimmee Utility Authority
- ✓ William Munoz, M.D., Chief of Staff, Internal Medicine/Hospitalist
- John Newstreet, CEO, Kissimmee/Osceola Chamber of Commerce
- ✓ Jorge Otoya, M.D., Practicing Hematologist/Oncologist
- ✓ Ed Ross, M.D., Chair of Internal Medicine, UCF College of Medicine
- Jim Walls, Fire Chief, Kissimmee Fire Department



✓ Physician Board Member

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Who Is HCA Healthcare?



21 U.S. States & United Kingdom

184
Hospitals

123
Surgery Centers

9.2M
ER visits annually

35M
Patient encounters each year

280,000
Employees

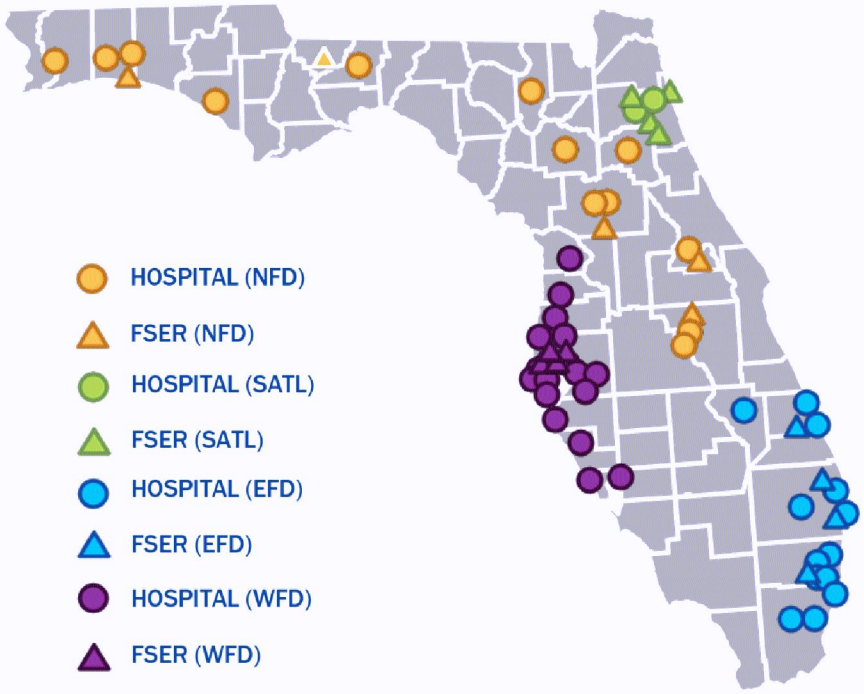
46,000
Physicians

3.5B
Taxes Paid
(Federal, State & Local)

3.7B
Charity Care, Uninsured and Uncompensated Care

OSCEOLA REGIONAL MEDICAL CENTER

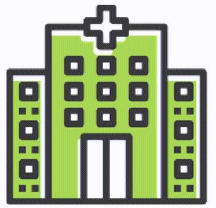
HCA Florida – Hospital Systems in Florida



- **48** Hospitals
- **12,241** Licensed Beds
- **28** FSERs
- **33** Surgery Centers
- **11** Diagnostic Imaging Centers
- **11** Inpatient Rehab Facilities
- **22** Psychiatric Care Facilities
- **2** Burn Programs
- **11** Trauma Programs
- **102** Teaching Programs

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Who Is Osceola Regional Medical Center?





2,000+
Associates



600+
Active Physicians

180+
180 Residents and Fellows

- **Main Campus: Downtown Kissimmee**
  - **404** inpatient beds
  - **24/7/365** ER and Level II Trauma Center
  - Teaching Hospital in partnership with UCF College of Medicine
  - Tertiary Hospital Services
- **Hunter's Creek ER - 20 beds**
- **Millenia ER – 11 beds**

OSCEOLA REGIONAL MEDICAL CENTER

Economic Impact - 2019

$23M
Capital investments
(5 year average)

$79M
Yearly cost for the delivery of charity care, uninsured and other uncompensated care



$175M
Annual Payroll & Benefits

$8.2M
Estimated state, county, and local taxes paid annually

$134M
Annual Operations Purchases

OSCEOLA REGIONAL MEDICAL CENTER

Graduate Medical Education Programs

UNIVERSITY OF CENTRAL FLORIDA
College of Medicine

- Anesthesiology
- Emergency Medicine
- Emergency Medicine / Ultrasound (Fellowship)
- Endocrinology (Fellowship)
- General Surgery
- Internal Medicine
- Neurology
- Obstetrics & Gynecology
- Podiatry
- Psychiatry
- Rheumatology (Fellowship)
- Transitional Year
- Vascular Surgery (Fellowship)

2019 – 2020

180+ Residents, Chief Residents and Fellows





2019 Accreditations & Recognitions

Joint Replacement – Hip & Knee
Advanced Primary Stroke Center
Sepsis
Spine

Designated as a
Blue Distinction®
Center for Cardiac Care
Maternity

Guardian of Excellence Award®

2016 Platinum Performance Achievement Award
ACTION Registry – GWTG
NCDR

ACCREDITED
AMERICAN COLLEGE OF CARDIOLOGY
CHEST PAIN CENTER
PRIMARY PCI

THE LEAPFROG GROUP
Patient Safety
A

THE LEAPFROG GROUP
TOP TEACHING HOSPITAL

DNV·GL
Healthcare Accreditation Services
CERTIFIED
COMPREHENSIVE STROKE CENTER
Quality & Patient Safety

American Heart Association.
2020 GET WITH THE GUIDELINES.
GOLD PLUS
TARGET: STROKE HONOR ROLL ELITE
TARGET: TYPE 2 DIABETES HONOR ROLL
STROKE

2019 GET WITH THE GUIDELINES.
HEART FAILURE
SILVER PLUS

Commission on Cancer

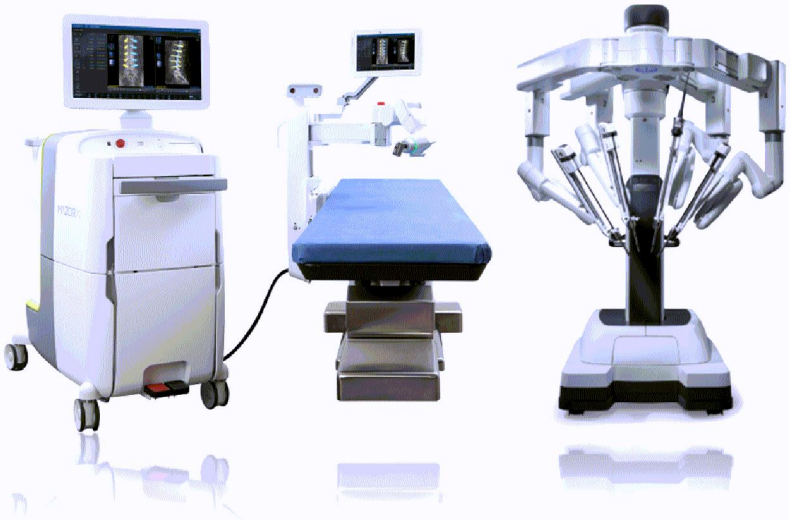
HCA

Unit of Distinction Award for Excellence in Medical Surgical Nursing – Recognized Three Times Consecutively

OSCEOLA REGIONAL MEDICAL CENTER

Comprehensive Services





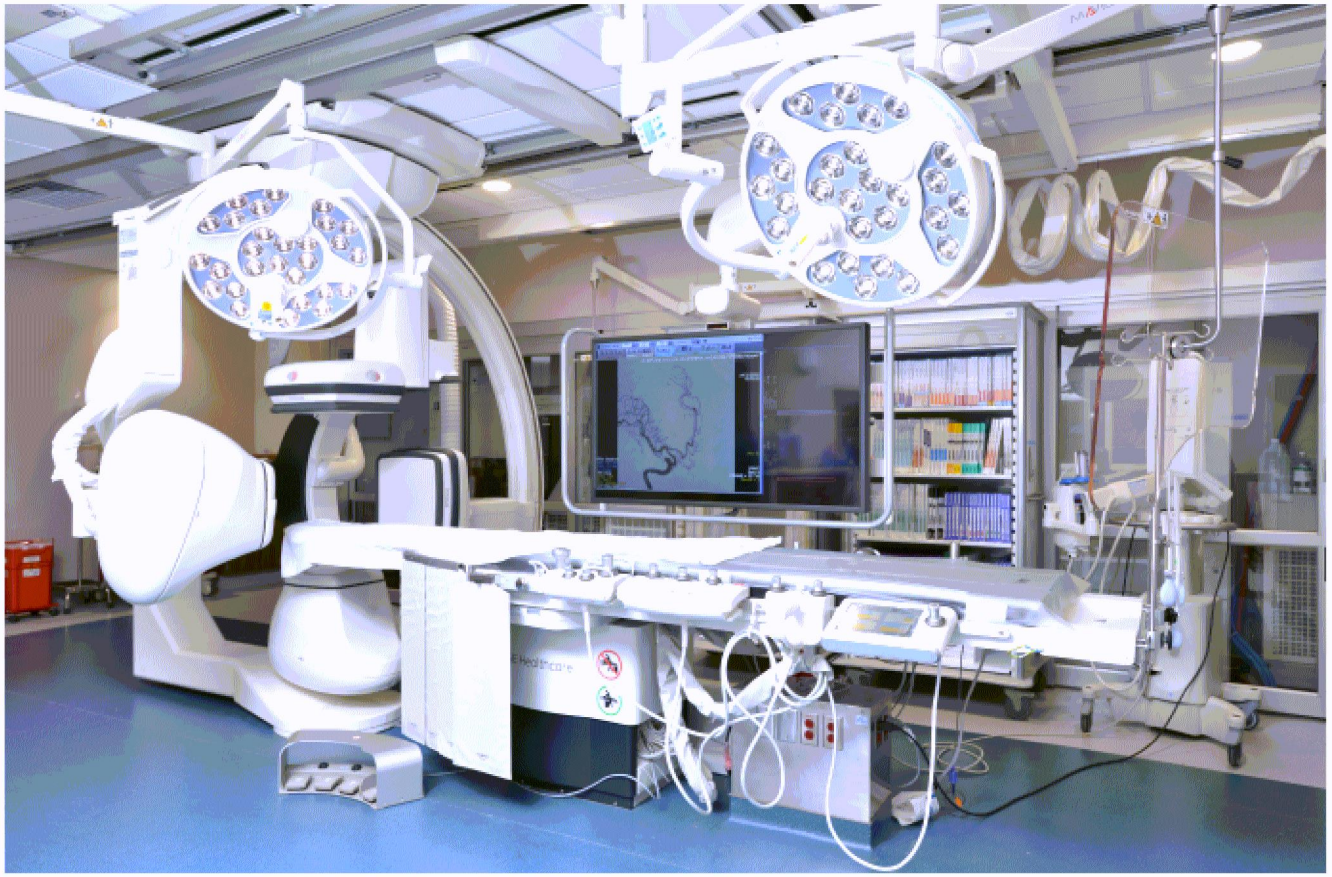
- Acute inpatient medical rehabilitation *
- Behavioral health
- Cancer care
- Chaplain Services 24/7
- Comprehensive cardiac care *
- Open heart surgery
  - TAVR/Mitral/Structural Heart *
- Certified Comprehensive Stroke Center and Neurosciences Center *
- 24/7 emergency services
- Level II Trauma Center *

* Only in Osceola County

- Free-Standing ER
  - Hunter's Creek ER & Millenia ER
- Maternity care & High Risk Pregnancy
- Neonatal intensive care level III *
- Orthopedic surgery
- 24/7 pediatric emergency care
- Robotic surgery
- Spine Care Center
- Women's services
- Wound care

OSCEOLA REGIONAL MEDICAL CENTER

Certified Comprehensive Stroke Center



DNV·GL
Healthcare Accreditation Services
CERTIFIED
COMPREHENSIVE STROKE CENTER
Quality & Patient Safety

American Heart Association.
2020 GET WITH THE GUIDELINES.
GOLD PLUS
TARGET: STROKE HONOR ROLL ELITE
TARGET: TYPE 2 DIABETES HONOR ROLL
STROKE

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COVID-19 Status

As of 12:00 pm on Monday 1/18/2021:

Florida has **1,571,279** confirmed COVID-19 cases, with **24,137** Deaths
Orange County has **93,180** confirmed COVID-19 cases, with **846** Deaths
Osceola County has **30,579** confirmed COVID-19 cases, with **330** Deaths
(Osceola / FDOH has a delay of one to several days in reporting deaths)



Osceola Regional Medical Center:

1,886 Confirmed COVID-19 Patients
108 Deaths (includes deaths for both residents of Osceola County and residents from outside Osceola County)
17,025 Total Patients Tested
15,061 Patients being Negative

- % positive = **11%** total positive/total tested since **3/11** (all tests are included even repeated tests looking for 2 negatives for discharge)
- % positive = **10.4%** for the week of **1/10 – 1/16**
- Pre-procedure % positive = **3%**

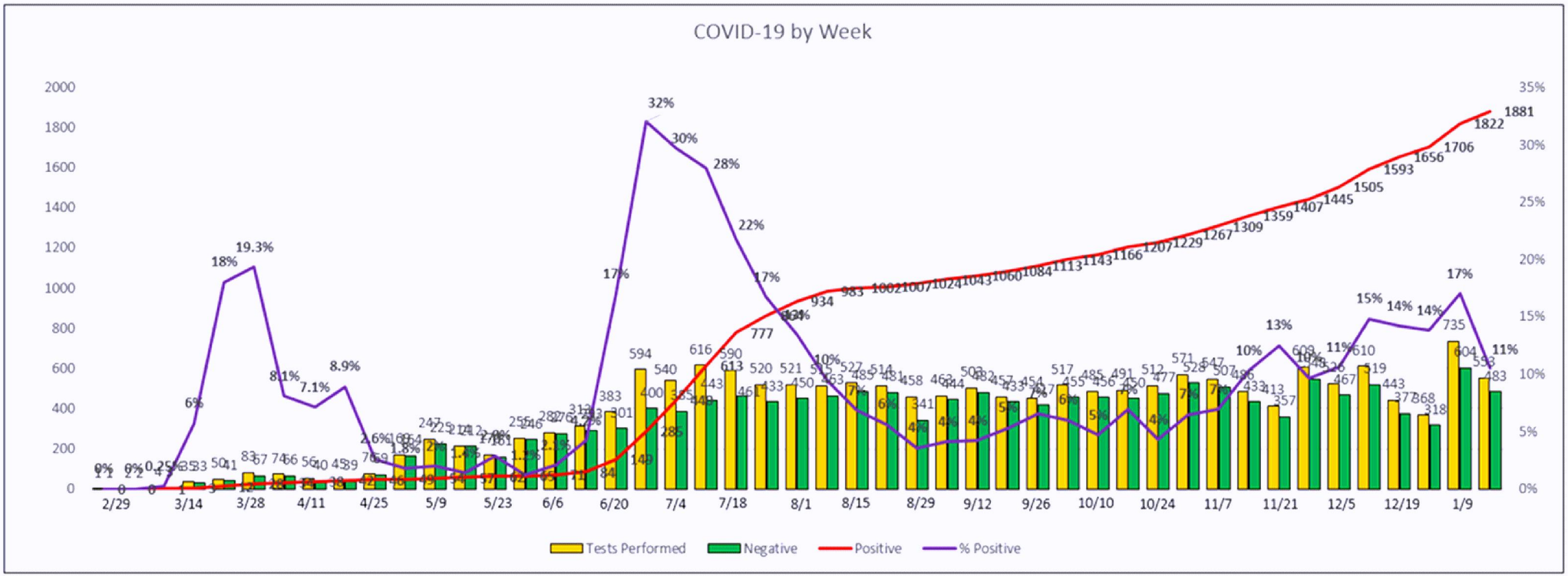
53 Positive Patients in-house
66 Persons Under Investigation (PUIs) / patients pending results
15 of those PUIs in our hospital.
12 Positive patients in ICU, with **8** on Vents
1 PUI Patients in ICU, with **0** on Vents

COVID-19 Status

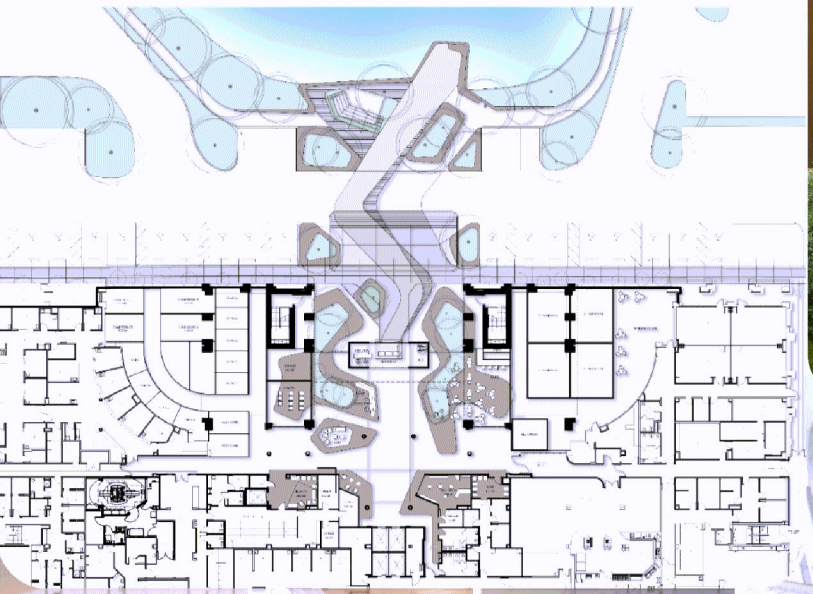
As of 12:00 pm on Monday 1/18/2021

Osceola Regional Medical Center Trends

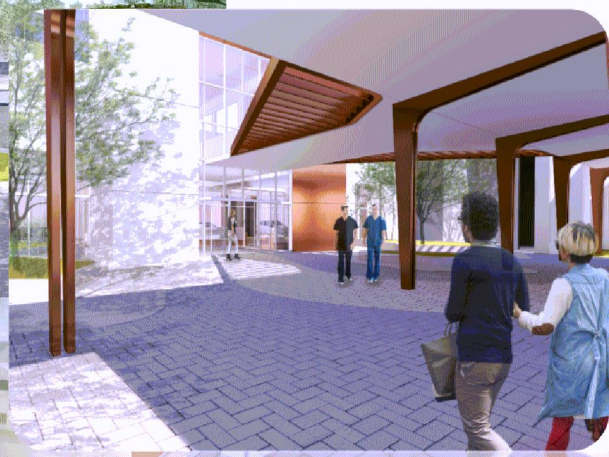
Red Line = Total (cumulative) Confirmed Positive Patients, Purple Line = % Positive for that week



Future Lobby Design

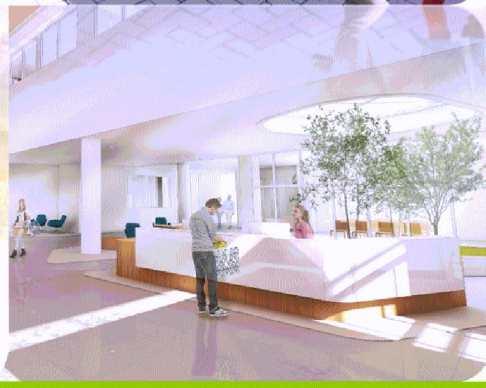












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Improving life. Making history.

OSCEOLA
REGIONAL MEDICAL CENTER

Exhibit “B”
Hand-Outs / Emails – Citizen Comments
Voluntary Annexation of Four Winds
Item 4.A.

Exhibit "B" Hand-out 4.A.
1/19/2021 Referenced by Adriannis Suarez

Jay Wheeler

From: JUAN FRANCISCO NAGARO <paco@blueprojects.tech> on behalf of JUAN FRANCISCO NAGARO
Sent: Wednesday, January 6, 2021 9:46 AM
To: Jay Wheeler
Cc: Adriannis Suarez; John Kelly; MIKE STEIGERWALD; DESIREE MATTHEWS; dfis@osceola.org; bkni@osceola.org; dtom@osceola.org; OLGA SANCHEZ DE FUENTES; andrew.mai@osceola.org
Subject: Re: Four Winds Blvd. Multi Family Residential Development-City of Kissimmee Annexation

Dear Mr. Wheeler,
Thanks for your kind email,
I can see you are very worried about the traffic light,
Please help Us with it by getting someone to send me a proposal to obtain the permits at FDOT and provide the Traffic light,
I will pay for the permits and the traffic light.
Thanks

Francisco "Paco" Nagaro
Partner
Blue Projects USA LLC
786 616 9754

On Wed, Jan 6, 2021 at 9:36 AM Jay Wheeler <jay@undergroundrefuse.com> wrote:

Blindly placing trust in an incompetent FL Dept. of Transportation is at best naïve. I encourage you to actually go out to the intersection of 192 and Four Winds Blvd. to observe vehicles as they attempt to make a left on to 192 and/or on to Four Winds Blvd. During morning and afternoon rush hours. Then add another 1000+ trips daily to that precarious intersection.

Energy savings have nothing to do with this. No one is hoping for traffic deaths as a result of your development. Considering the already dangerous intersection, waiting for any recommendation from FDOT is a waste of time. Instead of waiting for the FDOT analysis paralysis, the right thing to do is predictive prevention and proceed with a traffic light at that intersection. The other option is we can all wait for accidents and deaths to put up a traffic light, and then lament: "we should have put up the light sooner" 192 and Four Winds Blvd. is a dangerous intersection and your development will only make it more dangerous. Your choice is to be a typical developer, or a responsible developer.

Kind Regards,

Jay Wheeler

Hand-out 4.A.
Annexation Four Winds
1/19/2021

Jay Wheeler

From: Jay Wheeler <jay@undergroundrefuse.com>
Sent: Monday, January 11, 2021 12:33 PM
To: BRENDA RYAN <BRYAN@kissimmee.org>; MIKE STEIGERWALD <MSTEIGER@kissimmee.org>; Stroz, Jim <Jim.Stroz@dot.state.fl.us>; Tawny H Olore <tawny.olore@osceola.org>; DOUG ETHEREDGE <DETHERED@kissimmee.org>; Adriannis Suarez <asuarez@kpmfranklin.com>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; Sanders, Michael <Michael.Sanders@dot.state.fl.us>; DESIREE MATTHEWS <Dmatthews@kissimmee.org>; JUAN FRANCISCO NAGARO <paco@blueprojects.tech>; John Kelly <JKelly@kpmfranklin.com>; CRAIG HOLLAND <CHOLLAND@kissimmee.org>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

EXTERNAL EMAIL: This email originated from outside of the organization. DO NOT REPLY, CLICK LINKS, or OPEN ATTACHMENTS unless you recognize the sender and know the content is safe

Okay, thanks

Kind Regards,

Jay Wheeler
CEO/President
Office 407-944-9000
Cell 407-973-4141

UNDERGROUND
REFUSE SYSTEMS
www.undergroundrefuse.com

From: BRENDA RYAN <BRYAN@kissimmee.org>
Sent: Monday, January 11, 2021 12:32 PM
To: 'Jay Wheeler' <jay@undergroundrefuse.com>; MIKE STEIGERWALD <MSTEIGER@kissimmee.org>; Stroz, Jim <Jim.Stroz@dot.state.fl.us>; Tawny H Olore <tawny.olore@osceola.org>; DOUG ETHEREDGE <DETHERED@kissimmee.org>; 'Adriannis Suarez' <asuarez@kpmfranklin.com>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; Sanders, Michael <Michael.Sanders@dot.state.fl.us>; DESIREE MATTHEWS <Dmatthews@kissimmee.org>; JUAN FRANCISCO NAGARO <paco@blueprojects.tech>; John Kelly <JKelly@kpmfranklin.com>; CRAIG HOLLAND <CHOLLAND@kissimmee.org>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

Jay,

The total number of units for this project has not been approved or finalized at this stage.

A conceptual plan was provided as a preliminary layout with the Annexation and Rezoning applications. The units and layout depicted within the conceptual plan will not be approved or

finalized with the City Commission Annexation, Future Land Use, or Rezoning public hearings. The total number of units, as well as a traffic study, will be submitted and reviewed with the subsequent Site Plan submittal during the development review process.

Brenda Ryan, AICP
Planning Manager, Development Services
City of Kissimmee

101 Church Street, Suite 110
Kissimmee, FL 34741
407.518.2104
bryan@kissimmee.org

CITY OF
KISSIMMEE
1883

From: Jay Wheeler <jay@undergroundrefuse.com>
Sent: Monday, January 11, 2021 11:57 AM
To: MIKE STEIGERWALD <MSTEIGER@kissimmee.org>; Stroz, Jim <Jim.Stroz@dot.state.fl.us>; Tawny H Olore <tawny.olore@osceola.org>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; Sanders, Michael <Michael.Sanders@dot.state.fl.us>; DESIREE MATTHEWS <Dmatthews@kissimmee.org>; JUAN FRANCISCO NAGARO <paco@blueprojects.tech>; John Kelly <JKelly@kpmfranklin.com>; CRAIG HOLLAND <CHOLLAND@kissimmee.org>; BRENDA RYAN <BRYAN@kissimmee.org>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

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Brenda can you please email back regarding how many units are proposed for this project. Thank you

Kind Regards,

Jay Wheeler
CEO/President
Office 407-944-9000
Cell 407-973-4141

UNDERGROUND
REFUSE SYSTEMS
www.undergroundrefuse.com

From: MIKE STEIGERWALD <MSTEIGER@kissimmee.org>
Sent: Wednesday, January 6, 2021 4:43 PM
To: 'Jay Wheeler' <jay@undergroundrefuse.com>; Stroz, Jim <Jim.Stroz@dot.state.fl.us>; Tawny H Olore <tawny.olore@osceola.org>

Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; Sanders, Michael <Michael.Sanders@dot.state.fl.us>; DESIREE MATTHEWS <Dmatthews@kissimmee.org>; JUAN FRANCISCO NAGARO <paco@blueprojects.tech>; John Kelly <JKelly@kpmfranklin.com>; CRAIG HOLLAND <CHOLLAND@kissimmee.org>; BRENDA RYAN <BRYAN@kissimmee.org>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

Good afternoon, submittal of a traffic study is a standard requirement in our process. The applicant is aware that they have to prepare a traffic study during the development review process. Our Development Review staff will share upon receipt so that everyone has a chance to review.

From: Jay Wheeler <jay@undergroundrefuse.com>
Sent: Wednesday, January 6, 2021 1:40 PM
To: Stroz, Jim <Jim.Stroz@dot.state.fl.us>; Tawny H Olore <tawny.olore@osceola.org>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; Sanders, Michael <Michael.Sanders@dot.state.fl.us>; MIKE STEIGERWALD <MSTEIGER@kissimmee.org>; DESIREE MATTHEWS <Dmatthews@kissimmee.org>; JUAN FRANCISCO NAGARO <paco@blueprojects.tech>; John Kelly <JKelly@kpmfranklin.com>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

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Thank you for your quick reply. Mike Steigerwald and Desiree Matthews are the City and Deputy City Managers from the City of Kissimmee. Mr. Nagaro is the developer and John Kelly is his civil engineer/surveyor for this project.

Mike/Desiree, Jim is with FDOT and Tawny is with Osceola County. The issue at hand is that (Jim, please correct me if I am wrong) is that Mr. Nagaro has agreed to fully fund the permits needed for a traffic light at 192 & Four Winds Blvd. and the traffic light itself. FDOT needs data from the city that project the number of vehicle trips Mr. Nagaro's apartment community is projected to generate, please do what you can to get Jim what he needs.

Thank you

Kind Regards,

Jay Wheeler
CEO/President
Office 407-944-9000
Cell 407-973-4141

UNDERGROUND
REFUSE SYSTEMS
www.undergroundrefuse.com

From: Stroz, Jim <Jim.Stroz@dot.state.fl.us>
Sent: Wednesday, January 6, 2021 1:25 PM

To: Jay Wheeler <jay@undergroundrefuse.com>; Tawny H Olore <tawny.olore@osceola.org>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; Sanders, Michael <Michael.Sanders@dot.state.fl.us>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

Good question. This is actually some of the info that I am hoping we can get from the City. Ideally it would be great if the City required the developer to complete a study (with projected volumes) as part of the permitted development. Typically, when new developments like apartments or subdivisions connect to the State Road system we (FDOT) require this type of analysis to determine if a traffic signal is warranted.

When we get more info, we'll follow-up with you.

Thanks,
Jim

From: Jay Wheeler <jay@undergroundrefuse.com>
Sent: Wednesday, January 6, 2021 1:12 PM
To: Stroz, Jim <Jim.Stroz@dot.state.fl.us>; Tawny H Olore <tawny.olore@osceola.org>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; Sanders, Michael <Michael.Sanders@dot.state.fl.us>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

Jim,

Thank you for the fast turnaround. One quick question. Will the analysis take into account the planned apartment community with a calculation of the projected additional vehicle trips that development will generate? Please advise, thank you.

Kind Regards,

Jay Wheeler
CEO/President
Office 407-944-9000
Cell 407-973-4141

UNDERGROUND
REFUSE SYSTEMS
www.undergroundrefuse.com

From: Stroz, Jim <Jim.Stroz@dot.state.fl.us>
Sent: Wednesday, January 6, 2021 1:06 PM
To: Tawny H Olore <tawny.olore@OSCEOLA.ORG>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; jay@undergroundrefuse.com; Sanders, Michael <Michael.Sanders@dot.state.fl.us>
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

Thanks, Tawny. I am copying Mike Sanders (who oversees our Studies group) to correct me if I provide incorrect info.

The first step would be to conduct a signal warrant study. The study will look at volumes, intersection delay, and crash statistics. Observations by a registered engineer during peak periods are also included and ultimately the study will indicate if a traffic signal is warranted.

I haven't been on this section of US 192 for a couple months, so I am not sure the schedule of the development. We'll need to reach out to the City to get info, including any agreements/permit that the City placed on the approved development when permitted.

Mike – do you have a contact at the City that can provide the information? When you make contact, please have someone circle back with Mr. Wheeler to relay the next steps ad rough schedule.

Thanks,
Jim

From: Tawny H Olore <tawny.olore@OSCEOLA.ORG>
Sent: Wednesday, January 6, 2021 12:03 PM
To: Stroz, Jim <Jim.Stroz@dot.state.fl.us>
Cc: Taylor, Anna <Anna.Taylor@dot.state.fl.us>; jay@undergroundrefuse.com
Subject: RE: New Traffic Light on 192 and 4 Winds Blvd

EXTERNAL SENDER: Use caution with links and attachments.

Sorry, typed wrong email for Jay.

From: Tawny H Olore
Sent: Wednesday, January 6, 2021 12:02 PM
To: 'Stroz, Jim' <Jim.Stroz@dot.state.fl.us>
Cc: 'Taylor, Anna' <Anna.Taylor@dot.state.fl.us>; 'hay@undergroundrefuse.com' <hay@undergroundrefuse.com>
Subject: New Traffic Light on 192 and 4 Winds Blvd

Hi Jim,

Happy New Year to you!!

I have been asked the possibility of a light at the US 192/4 Winds Blvd intersection in Kissimmee. Jay Wheeler, who I have copied on this email, indicated that there is a number of new apartments that have been approved along 4 Winds by the City of Kissimmee and the developer is willing to pay for a light at this intersection.

What is the process that needs to be followed in order for a light to be approved.

Many thanks for your guidance.

Tawny H. Olore, P.E.
Executive Director of Transportation and Transit
Osceola County
1 Courthouse Square
Kissimmee, FL 34741
Office: 407-742-0559
Cell: 407-474-4708

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PUBLIC RECORDS NOTICE: All e-mail sent to and received from the City of Kissimmee, Florida, including e-mail addresses and content, are subject to the provisions of the Florida Public Records Law, Florida Statute Chapter 119, and may be subject to disclosure.

Hand-out 4.A.
Annexation Four Winds
1/19/2021

LINDA HANSELL

From: BRENDA RYAN
Sent: Tuesday, January 19, 2021 4:03 PM
To: LINDA HANSELL
Subject: FW: Four Winds Wetlands

Megan Miller (1) (2)

(1)

From: Megan Miller <piratebot4ever@aim.com>
Sent: Tuesday, January 19, 2021 9:50 AM
To: BRENDA RYAN <BRENDA.RYAN@kissimmee.gov>
Subject: Four Winds Wetlands

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Hello

"Just because something is legal doesn't automatically make it right." -Hoot

While I do not speak for the rest of my neighbors, I am speaking on behalf of them. You can not let the annexation of our wetlands go through. The consequences of those actions will lead to devastating results.

For starters, those plans involve eminent domaining a few houses for access down Oren Brown. This community is primarily retired individuals. They will have nowhere to go. I personally live on the street where the eminent domain will come into play. I have lived there my whole life and I will not, I can not, move.

Secondly, the plans would cause an increase in vehicular traffic. We have no sidewalks. We do not need them. We enjoy walks around our neighborhood in the early morning or the quiet dusk. If these plans go through, the increase of traffic would endanger countless adults and children. It would be like a scene straight out of Pet Semetary.

Thirdly, the plans for the apartments. The wetlands are a valuable watershed and ecosystem. It protects our neighborhood from dangerous floods. Every hurricane season, I've seen the waters rise as high as my mailbox. But it doesn't stay that way for the long. Taking away the culverts, the retention pond, the watershed, flooding would cause serious damage to your constituents homes.

Fourthly, the wetlands are essentially useless to build upon. The location is awful. Apartment tenants would have to get used to the sound of speeding cars on Oren Brown at 10pm, helicopters at 12am, and sirens and 3 in the morning. It's a miracle medieval times is still running. Whereas, the gas station, currently a Shell station, has gone through several ownerships since nobody goes there. I would suggest the land across the street which used to be the "Viking Motel" to be the location of the apartments.

Finally, the wetlands are an invaluable ecosystem for countless plants and animals. As a matter of fact, our wetlands are home to several species that are endangered, threatened, and protected. I hear the grunting of Alligators every morning when I run. I see Bats flying overhead. Every spring, a new Sandhill Crane couple arrives, and leave with a new baby or two. My father has seen an otter family cross the road. And I have found an Eagle feather on one of my runs.

The story of Hoot proves a young voice can help protect even the smallest of animals. I'm not the only voice speaking, but yours is the one that can make the biggest difference. This annexation, these apartments, that eminent domain, it can't happen. Please. This is my home. I will fight for it till the end.

-M
South Wind Blvd

LINDA HANSELL

From: Megan Miller <piratebot4ever@aim.com>
Sent: Tuesday, January 19, 2021 12:37 PM
To: CITY CLERK
Subject: Testimony

(2)

EXTERNAL EMAIL: This email originated from outside of the organization. DO NOT REPLY, CLICK LINKS, or OPEN ATTACHMENTS unless you recognize the sender and know the content is safe

Hello, my name is Megan Miller and I have a testimony I would like to be read at the meeting tonight. I would like to go in person, and say something important in regards to the annexation and development of the four winds wetlands.

My testimony is as follows:

I want to start by saying this...

How much is this annexation worth? Is it worth kicking families from their homes with nowhere to go? Is it worth endangering species' further? How many deaths is this plan worth? There are too many negative impacts that outweigh the positive.

There are several points to highlight in this planning that are immoral and dangerous.

I'll start with environmental impact.

What the council fails to recognize is that is the long term effect of getting rid of the wetlands will have on the environment of our neighborhood. I have a few points to discuss.

As stated by the epa, "**Wetlands** function as natural sponges that trap and slowly release surface water, rain, snowmelt, groundwater and **flood** waters. Trees, root mats and other **wetland** vegetation also slow the speed of **flood** waters and distribute them more slowly over the floodplain." Every hurricane season, I've seen the waters rise as high as my mailbox. But it doesn't stay that way for the long. Taking away the culverts, the retention pond, the watershed, flooding would cause serious damage to your constituents homes. Take that away, and we'll face flooding costing us thousands of dollar. Also, the wetlands are an invaluable ecosystem for countless plants and animals. As a matter of fact, our wetlands are home to several species that are endangered, threatened, and protected. I hear the grunting of Alligators every morning when I run. I see Bats flying overhead in the early mornings. Every spring, a new Sandhill Crane couple arrives, and leave with a new baby or two. My father has seen an otter family cross the road. And I have found an Eagle feather on one of my runs. How can you stand to endanger such magnificent creatures further?

Next, I'd like to discuss traffic.

Have you ever seen the movie Pet Semetary? It contains one of the most tragic scenes in cinema, when young Gage is struck by a semi-truck, trying to cross the street.

We would face a hundred of those moments. Nearly 312 cars would be added with these apartments, not including those who would come from Oren Brown to Four Winds. We have no street lights, no sidewalks. We don't need them since we are a more quiet community. Because of that, we walk, bike, and jog freely and frequently. Every night, I hear the cars speeding down Oren Brown road. You would risk our lives for an easy bypass?

And on that subject, I'd like to discuss the idea of using eminent domain to displace families for the bypass. Have you no empathy? No shame? Many of my neighbors are retired. I myself am struggling to financially support myself, along with

my mother, father, sister, and niece and nephew. You condemn us and we will have nowhere to go. The same can be said for my neighbors as well. Four Winds estates is full of oak trees. And they, we, will not be moved.

I'd like to round back to the wetlands and the effects on us should they be destroyed.

Unlike many homes in Kissimmee, we use well water and septic tanks. A friend of mine despises the taste, but our water is fresh, clean, and above all, healthy. The apartments and bypass would cause runoff that would seep into our water. I do not want you to resign us to paying extra to recipe our homes, or make us deal with a similar situation in Flint Michigan because you got greedy.

Finally, i'd like to mention jus how "profitable" and "useful" the land is.

Ultimately, our wetlands are useless to build upon. Not only because the land is too moist to set any foundation down. The location is awful. Apartment tenants would have to get used to the sound of speeding cars on Oren Brown at 10pm, helicopters at 12am, and sirens at 3 in the morning. It's a miracle medieval times is still running. Whereas, the gas station, currently a Shell station, has gone through several ownerships since nobody goes there. Rebranding has also occurred to several other hotels near Four winds on 192 due to the lack of visitors.

All of this being said, if the council needs to place apartments on 192, I would like to suggest the land across the street which used to be the "Viking Motel" to be the location of the apartments. There also the star hotel, the old church next to the thrift store, one of the flea markets or perhaps even both. There are plenty of alternative locations to be used for building apartments in Kissimmee.

In conclusion, building in our wetlands, annexing us, tearing down our homes for a bypass down Oren Brown, it's a mistake. A horrifically amoral mistake. All any of us ever wanted was a street light so we can safely leave and return home. But instead, you do this. You will drown us, poison us, and let us get run over by cars? How dare the council even imagine such a thing. Shame on every one of you who would rather let this go through than consider the concerned citizens fighting to stop it. To quote the book "Hoot", *"Just because something is legal doesn't automatically make it right."* If you're not familiar, Hoot is about a young boy protecting an endangered species of owl from their land being developed upon. It proves one voice can help protect even the smallest of animals. I'm not the only voice speaking up. This is my home, our home. We will fight for it till the end.

Sent from my iPad

Hand-out 4.A.
Annexation Four Winds

LINDA HANSELL

1/19/2021

From: BRENDA RYAN
Sent: Tuesday, January 19, 2021 4:09 PM
To: LINDA HANSELL
Subject: FW: Four Winds Estates annexation and destruction of wetlands

Jo Anne Kani-Miller

(1) & (2)

-----Original Message-----
From: Jo Anne Kani-Miller <anewvista@gmail.com>
Sent: Wednesday, January 13, 2021 8:36 AM
To: BRENDA RYAN <BRYAN@kissimmee.org>
Subject: Four Winds Estates annexation and destruction of wetlands

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Issues I am concerned about are: the fact that the "swamp" is a watershed area, the fact that it contains many species of animals that depend on its location for food, shelter and nesting/reproductive activities, the fact that many native Florida species of plants and animals will be in peril of disappearing if the area is disturbed!

Drainage in this neighborhood is critical to our well being. Although we had standing water after the 2004 hurricanes it is not a usual occurrence because of our beloved "swamp". It needs to remain where it is, how it is.
Isn't there plenty of room on 192 for additional housing needs ie seemingly abandoned hotel sites? This area back here is environmentally sensitive.

Also, the soil will never be stabilized enough to construct buildings on it as evidenced by the many obvious settling cracks on the homes in Windward Cay! I just don't understand why anyone would want to plunk a bunch of condos/apartments in this little area that is so important in so many ways.

--
Jo Anne Kani-Miller

LINDA HANSELL

From: BRENDA RYAN
Sent: Tuesday, January 19, 2021 3:20 PM
To: 'Jessica Valero'; Corinne Carpenter
Cc: Peggy Choudhry; 'anewvista@gmail.com'; LINDA HANSELL
Subject: RE: Proposed annexation of Four Winds Estates

Your email has been received and will be forwarded to the City Commission for consideration for the Jan. 19th City Commission meeting.

Please note the new email address*

Brenda Ryan, AICP
Planning Manager, Development Services
City of Kissimmee

101 Church Street, Suite 110
Kissimmee, FL 34741
407.518.2104
Brenda.Ryan@kissimmee.gov

-----Original Message-----
From: Jessica Valero <Jessica.Valero@OSCEOLA.ORG>
Sent: Tuesday, January 19, 2021 12:30 PM
To: Corinne Carpenter <cori.carpenter@OSCEOLA.ORG>
Cc: Peggy Choudhry <Peggy.Choudhry@OSCEOLA.ORG>; 'anewvista@gmail.com' <anewvista@gmail.com>; BRENDA RYAN <BRENDA.RYAN@kissimmee.gov>
Subject: RE: Proposed annexation of Four Winds Estates

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Good afternoon, Ms. Carpenter. I apologize as I meant to copy you on my previous email to Ms. Ryan on behalf of Commissioner Choudhry.

Thank you,

Jessica Valero
Senior Administrative Assistant
to Commissioner Peggy Choudhry, District 1 Osceola Board of County Commissioners Osceola County Manager's Office
1 Courthouse Square, Suite 4700
Kissimmee, Florida 34741
Phone: 407.742.2387 * Fax: 407.742.2391
Email: Jessica.valero@osceola.org * Visit us online at: www.osceola.org

-----Original Message-----
From: Jessica Valero

Sent: Tuesday, January 19, 2021 12:10 PM
To: 'BRENDA RYAN' <BRYAN@kissimmee.org>
Cc: Peggy Choudhry <Peggy.Choudhry@osceola.org>; 'anewvista@gmail.com' <anewvista@gmail.com>
Subject: FW: Proposed annexation of Four Winds Estates

Good afternoon, Ms. Ryan. On behalf of Commissioner Choudhry, please see below from Ms. Kani-Miller for review and response from the City.

All best,

Jessica Valero
Senior Administrative Assistant
to Commissioner Peggy Choudhry, District 1 Osceola Board of County Commissioners Osceola County Manager's Office
1 Courthouse Square, Suite 4700
Kissimmee, Florida 34741
Phone: 407.742.2387 * Fax: 407.742.2391
Email: Jessica.valero@osceola.org * Visit us online at: www.osceola.org

(2)

-----Original Message-----
From: Jo Anne Kani-Miller [mailto:anewvista@gmail.com]
Sent: Monday, January 18, 2021 11:29 AM
To: Peggy Choudhry <Peggy.Choudhry@OSCEOLA.ORG>
Subject: Proposed annexation of Four Winds Estates

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Ms. Choudhry,
As a constituent, I'd appreciate it if you would stick up for me and my neighbors in the upcoming Commission meeting regarding the above referenced matter. We are totally opposed to this annexation! And we want our wetlands to remain untouched! There is no logical reason or need for this annexation to happen! There are plenty of vacant and unused former hotel properties on 192 that can fulfill any housing needs that can be imagined with all of the infrastructure already in place. Why plunk a bunch of apartments/condos in a vital wetland? We and the animals inhabiting the area depend on this 36 acres for drainage and noise mitigation, as well as numerous other needs. Please let me know you will " go to bat" for the families who live in Four Winds Estates!
Sent from my iPhone

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Hand-out 4.A.
Annexation Four Winds
1/19/2021

LINDA HANSELL

From: BRENDA RYAN
Sent: Friday, January 8, 2021 1:12 PM
To: 'csantamaria4u@aol.com'; CITY CLERK; 'Diana Marrero-Pinto'; CRAIG HOLLAND; DOUG ETHEREDGE
Cc: outsiderclb@aol.com; mollym.bowwows@gmail.com; brandon.arrington@osceola.org; ricky.booth@osceola.org; peggy.choudhry@osceola.org; cheryl.grieb@osceola.org; viviana.janer@osceola.org; fred.hawkins@osceola.org; robert.deatherage@osceola.org; aramirez@osceolaclerk.org
Subject: RE: Four Winds Annexation and Future Land Use - Dec. 15th City Commission Meeting -rescheduled for Jan 19, 2021

Follow Up Flag: Follow up
Flag Status: Flagged

Carlos Santamaria

Mr. Santamaria,

Your email has been received. Please allow me some time to research and address your concerns. Thanks.

Brenda Ryan, AICP
Planning Manager, Development Services
City of Kissimmee

101 Church Street, Suite 110
Kissimmee, FL 34741
407.518.2104
bryan@kissimmee.org

CITY OF KISSIMMEE 1883

From: csantamaria4u@aol.com <csantamaria4u@aol.com>
Sent: Friday, January 8, 2021 12:06 PM
To: BRENDA RYAN <BRYAN@kissimmee.org>; CITY CLERK <CityClerkEmail@kissimmee.org>
Cc: outsiderclb@aol.com; mollym.bowwows@gmail.com; brandon.arrington@osceola.org; ricky.booth@osceola.org; peggy.choudhry@osceola.org; cheryl.grieb@osceola.org; viviana.janer@osceola.org; fred.hawkins@osceola.org; robert.deatherage@osceola.org; aramirez@osceolaclerk.org
Subject: Re: Four Winds Annexation and Future Land Use - Dec. 15th City Commission Meeting -rescheduled for Jan 19, 2021

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Brenda Ryan:

As per the received notice of the proposed annexation rescheduled for January 19, 2021, I am asking you to submit into the record my previous email and this email.

I object to the proposed annexation and request the following information be addressed for this proposal prior to the City Commission voting.

As per Ch 171.042 Florida Statute - *prerequisite to annexation,* the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, including the extension of existing municipal water and sewer services, the proposed timetable for construction and the method under which the municipality plans to finance extension of services into the area to be annexed.

As my property is adjacent to the parcel to be annexed, I am requesting the city provide the surrounding affected property owners the city plans to provide potable water and sewer service to this property which is to be developed into multi family buildings. These plans should be provided to all affected adjacent property owners, with time to review the plans, prior to any city decision on the annexation.

Further, what is the plan for street stormwater drainage and where will the drains be routed? Will the drainage be routed to the retaining pond contiguous to my property and can assurances be provided of no flooding to my property?

As the only existing access to the property to be annexed is through Four Winds Blvd, all the residents that ingress/egress their properties on Four Winds Blvd should receive notice of this proposal and how it will impact their current access and of any safety concerns of additional traffic turning movements to and from 192 and Four Winds Blvd. This is an unsignalized intersection which is already a hazard with the existing turning movements and u-turns. All the residents of Four Wind Estates and Windwood, which will be affected by the new development and its traffic, should be informed and aware of the annexation. Approval before informing the affected residents is premature and inappropriate.

I thank you in advance for accepting public comment on this proposal and submitting my objection and disapproval into the record.

I look forward to future communications on the actions of the commission.

Carlos Santamaria
1475 East Wind Boulevard
Kissimmee, Fl. 34746

Carlos Santamaria

-----Original Message-----
From: csantamaria4u@aol.com
To: bryan@kissimmee.org <bryan@kissimmee.org>; CityClerkEmail@kissimmee.org <CityClerkEmail@kissimmee.org>
Cc: outsiderclb@aol.com <outsiderclb@aol.com>; mollym.bowwows@gmail.com <mollym.bowwows@gmail.com>; brandon.arrington@osceola.org <brandon.arrington@osceola.org>; ricky.booth@osceola.org <ricky.booth@osceola.org>; peggy.choudhry@osceola.org <peggy.choudhry@osceola.org>; cheryl.grieb@osceola.org <cheryl.grieb@osceola.org>; viviana.janer@osceola.org <viviana.janer@osceola.org>; fred.hawkins@osceola.org <fred.hawkins@osceola.org>; robert.deatherage@osceola.org <robert.deatherage@osceola.org>; aramirez@osceolaclerk.org <aramirez@osceolaclerk.org>
Sent: Mon, Dec 14, 2020 9:13 am
Subject: Four Winds Annexation and Future Land Use - Dec. 15th City Commission Meeting

Brenda Ryan:

As per the notice received of the proposed of annexation, I am asking for you to submit into the record my disapproval of this proposal to the City Commission.

This proposal does not conform to Ch. 171, Florida Statutes, for annexation and, it is my understanding that, the County is in disagreement with proposed wetland and road drainage changes.

This proposal will destroy class1 wetlands and endanger the associated wildlife and habitat located on the proposed annexation land.

Our population has grown substantially, with new residences in our area all depending on wells for potable water and there's already a shortage of potable water to support the population already.

The proposal for the annexation will change the zoning from 1 dwelling acres of AC class 1 wetlands to a multiple units/acre zone that will negatively impact the community character and quality of life of the Four Winds Blvd. community.

Not only will this create intense development potential in a low density residential area, harm essential wetland habitat, increase traffic, increase water demand but also change the peace and safety of our residential area.

I thank you in advance for accepting public comment on this proposal and submitting my disapproval e-mail into the record and I look forward to future communications on the actions of the commission.

Carlos Santamaria
1475 East Wind Boulevard
Kissimmee, Fl. 34746

Carlos Santamaria

-----Original Message-----
From: BRENDA RYAN <BRYAN@kissimmee.org>
Sent: Wed, Nov 25, 2020 4:43 pm
Subject: Four Winds Dec. 15th City Commission Meeting

The Four Winds Annexation and Future Land Use applications have been scheduled for the December 15th City Commission meeting.

Residents or property owners within 300 feet of the property will also be provided notices in the mail.

The agenda has not been finalized but I will provide the final agenda once it is available. Thanks!

Brenda Ryan, AICP
Planning Manager, Development Services
City of Kissimmee

101 Church Street, Suite 110
Kissimmee, FL 34741
407.518.2104
bryan@kissimmee.org

Hand-out 4.A.
Annexation Four Winds

LINDA HANSELL

1/19/2021

From: BRENDA RYAN
Sent: Tuesday, January 19, 2021 4:18 PM
To: LINDA HANSELL
Subject: FW: Annexation

J. Civiletti

From: Joe C <submarinemm1@aol.com>
Sent: Tuesday, January 19, 2021 4:17 PM
To: outsiderclb@aol.com
Subject: Fwd: Annexation

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Cheryl, I do not have all the other emails that have been used to send information to - namely the news media and other officials. Could this possibly also be read into the minutes tonight as I might still be on my way home from doctor appointmnets today. Thank you J Civiletti Sr

---

From: submarinemm1@aol.com
To: Peggy.Choudhry@OSCEOLA.ORG
Sent: 1/14/2021 12:03:11 PM Eastern Standard Time
Subject: Annexation

Ms Choudry, I am a member of your area in Osceola County and wish to voice that the Annexation proposal for my subdivision (Fourwinds Estates) does not sit well with me and hope that you may help us fight this. One thing is that we were never told about this until it came up on the city Commission Agenda. Therefore we had no vote in this proposal. Also, as there is no Home Owner Association here, we were told that the retention pond is the HOA responsibility - as I said there is not one here. I also wish to point out the the area where Windward Cay is now, was Designated Wet Land when I purchased my house in July 1983 - as verified by my lender then. I was away from the area while in the US Navy Submarine Force when Windward Cay was established in the 1990's and the Wetland was moved to behind what was Jungleland Zoo. This area is our drainage during rains and storms (hurricanes). I also wish to point out the traffic on Rt 192 is already bad - as I understand it, a traffic light was to be installed when Windward Cay was established but it was not, again, as I understand it, the money was diverted to another project. Traffic has only gotten worse and now I hear that a study will not be performed for a year or 2 yet. The city has put restrictions on the need for a traffic light, which has been met - ie, so many deaths in a certain period of time. It is near impossible to make a left hand turn onto 192 (can take up towards 20 minutes or so, depending on time of day) let alone making a left turn from 192 into our area (onto Four Winds Blvd). This all needs addressing with all of us here having an input into determining what is happening where we are currently living. It seems that the City or County does not care about us but rather how much they are making from the Developers in the area. There is a proposal to build apartments at the corner of 192 and Fourwinds which would greatly increase traffic and noise in our area. Why can they not use one of the condemmed places - as in Star Hotel instead? I am asking for your help in denying the change of land use in the area and to help stop the annexation of our area. Granted there are only 46 homes here (in Four Winds Estates, do not know about Windward Cay) but it is a quiet and peaceful neighborhood and we all wish to keep it that way, Yes, we are on well water and septic and again,

wish to keep it that way with no added "impact fees" or taxes (most of us are on limited incomes - especially with this Covid issue having taken some of our jobs already. There is only 1 way in or out of our area and that is Four Winds Blvd out to 192. Please let me (us) know what else we can do here to stop this. Thank You Respectfully J Civiletti Sr MM1/SS USN/ RET

Hand-out 4.A.
Annexation Four Winds

LINDA HANSELL

From: Angel Fernandez <angel.l.fernandez@gmail.com>
Sent: Tuesday, January 19, 2021 1:13 PM
To: LINDA HANSELL
Subject: Fwd: Objection to voluntary annexation of Parcel 13-25-28-0000-0310-0000 Osceola County

Angel Fernandez (1)(2)(3)

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Here are the files

---------- Forwarded message ---------
From: **Angel Fernandez** <angel.l.fernandez@gmail.com>
Date: Mon, Jan 18, 2021 at 5:04 PM
Subject: Objection to voluntary annexation of Parcel 13-25-28-0000-0310-0000 Osceola County
To: <kristen.arrington@myfloridahouse.gov>, <olga.gonzalez@kissimmee.gov>, <olga.castano@kissimmee.gov>, <Felix.ortiz@kissimmee.gov>, <Carlos.alvarez@kissimmee.gov>, <jim.fisher@kissimmee.gov>, <Peggy.Choudhry@osceola.org>, <Viviana.Janer@osceola.org>, <Brandon.Arrington@osceola.org>, <Cheryl.Grieb@osceola.org>, <Ricky.Booth@osceola.org>, <wesh2news@gmail.com>, <news@fox4now.com>, <theinvestigators@wkmg.com>, <megan.cruz@wftv.com>, <ddahm@wkmg.com>, <emarza6@hotmail.com>, argrave@hotmail.com <argrave@hotmail.com> <argrave@hotmail.com > <argrave@hotmail.com>, clsrealty <clsrealty@aol.com>, Andrew Crockett <andybcrockett@aol.com>, Angel Fernandez <angel.l.fernandez@gmail.com>, bccintron@yahoo.com <bccintron@yahoo.com> <bccintron@yahoo.com > <bccintron@yahoo.com>, csantamaria4u@aol.com <csantamaria4u@aol.com> <csantamaria4u@aol.com > <csantamaria4u@aol.com>, dshaw1579@gmail.com <dshaw1579@gmail.com> <dshaw1579@gmail.com > <dshaw1579@gmail.com>, <mytiger@cfl.rr.com>, jane@diveshopkissimmee.com <jane@diveshopkissimmee.com> <jane@diveshopkissimmee.com > <jane@diveshopkissimmee.com>, anewvista@gmail.com <anewvista@gmail.com> <anewvista@gmail.com > <anewvista@gmail.com>, Joe C <submarinemm1@aol.com>, lcran30503@aol.com <lcran30503@aol.com> <lcran30503@aol.com > <lcran30503@aol.com>, Megan Miller <piratebot4ever@aim.com>, mollym.bowwows@gmail.com <mollym.bowwows@gmail.com> <mollym.bowwows@gmail.com > <mollym.bowwows@gmail.com>, <pszoke@cfl.rr.com>, raybrandtautogroupemail@gmail.com <raybrandtautogroupemail@gmail.com> <raybrandtautogroupemail@gmail.com > <raybrandtautogroupemail@gmail.com>, CenturyLink Customer <wcreame1943@embarqmail.com>, Stephen Michael <officialexile@live.com>, spalm34205@msn.com <spalm34205@msn.com> <spalm34205@msn.com > <spalm34205@msn.com>, Yohanka Rodriguez <yohankar@gmail.com>, amandazhang718@hotmail.com <amandazhang718@hotmail.com> <amandazhang718@hotmail.com > <amandazhang718@hotmail.com>, CHERYL BATTEY <outsiderclb@aol.com>, Rebecca Bray <rbray@sentrymgt.com>, <croman@sfwmd.gov>

Good afternoon to elected officials, neighbors and members of the press. We the homeowners of Windward Cay and Four Winds Estates object to the voluntary annexation of Parcel 13-25-28-0000-0310-0000 by the City of Kissimmee. There has been a lack of transparency in the annexation process, which is why we are only now reaching out, the day before the annexation vote. Please see the quote below.

City of Kissimmee Planning Manager Brenda Ryan told the developer he could build up to 8 stories if he qualifies for a density bonus. "I think the biggest challenge is going to be getting through the public hearing process," she said.

Source: New apartments and German Beer Garden could be headed to JungleLand Zoo site - GrowthSpotter

Through her actions Brenda Ryan and the Planning Commission of the City of Kissimmee are attempting to force through a proposed construction project on behalf of SOUTH AMERICAN HOLDINGS LLC to construct a 312 Unit apartment complex on the above listed parcel.

These are the reasons why this project should not proceed.

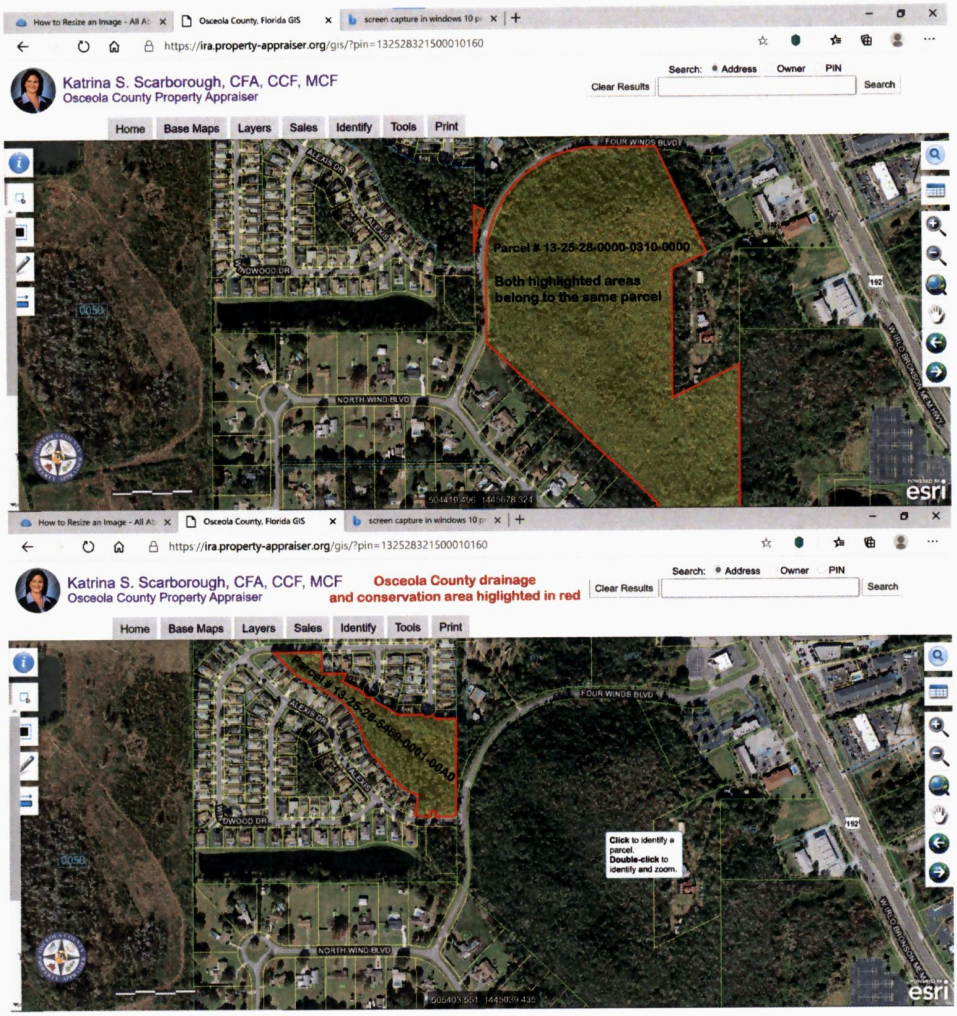
1) There are existing flood control culverts that run under Four Winds Blvd. See photos


Wall installed to support drainage culvert
West side of Four Winds Blvd.

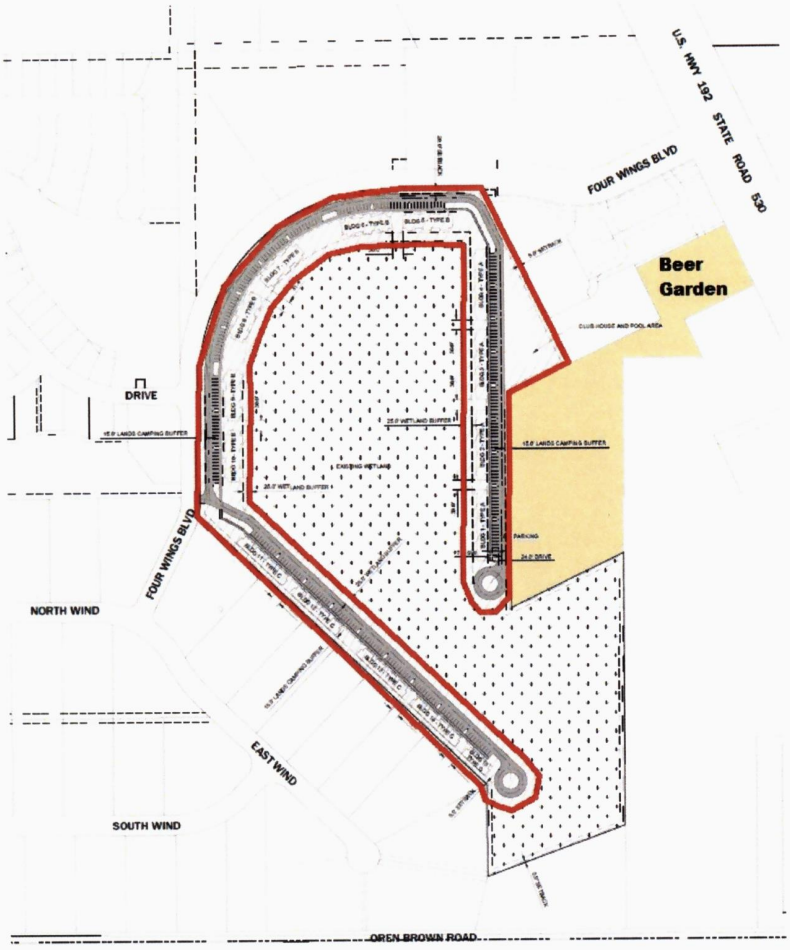

Osceola County installed drainage culvert
West side of Four Winds Blvd.


North
East
Four Winds Blvd.
West
South


East side of Four Winds Blvd.
Osceola County installed drainage culvert
West
South
Four Winds Blvd. repaved roadway
following drainage culvert installation
by Osceola County
North
East
Parcel # 13-25-28-0000-0310-0000
West side of Four Winds Blvd.
Osceola County installed drainage culvert


How to Resize an Image - All A
Osceola County, Florida GIS
screen capture in windows 10 p
https://ira.property-appraiser.org/gis/?pin=132528321500010160
Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
Search: Address Owner PIN
Clear Results
Search
Home
Base Maps
Layers
Sales
Identify
Tools
Print
FOUR WINDS BLVD
NORTH WIND BLVD
Parcel # 13-25-28-0000-0310-0000
Both highlighted areas
belong to the same parcel
esri

How to Resize an Image - All A
Osceola County, Florida GIS
screen capture in windows 10 p
https://ira.property-appraiser.org/gis/?pin=132528321500010160
Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
Osceola County drainage
and conservation area higlighted in red
Search: Address Owner PIN
Clear Results
Search
Home
Base Maps
Layers
Sales
Identify
Tools
Print
FOUR WINDS BLVD
NORTH WIND BLVD
Click to identify a parcel.
Double-click to identify and zoom.
esri



The apartment complex complex would block drainage culverts on the East side of Four Winds Blvd., that were installed by Osceola County and which are connected to Parcel 13-25-28-5469-0001-00A0, an Osceola County designated drainage area. Two communities and 37 homes face increased risk of flooding.

2) The entirety of The Four Winds Estates homes are on Well water and Septic Tanks. We are concerned with disruption and or contamination of our drinking water. When questioned about this possibility Brenda Ryan stated that we would have to talk to Toho Water. There is no existing potable water infrastructure in Four Winds Blvd. If our ground water becomes unusable we would face serious financial hardship to have potable water.

3) When Windward Cay was built an agreement was reached to install a traffic control signal at the intersection of 192 and Four Winds Blvd. The signal was never installed. Traffic on 192 has become insane. Now the City of Kissimmee wishes to introduce 312 Plus cars to the equation? There are almost no single car families anymore so the number is sure to be higher than 312. I have had to wait extended periods, frequently in order to turn on to 192.

4) There is a sewage pumping station on the Southeast corner of 192 and Four Winds Blvd. The smell of sewage is very bad and we are forced to wait there in order to turn on to 192. So The City is going to take an already bad situation and make it worse?

5) The last issue pertains to a reckless indifference to human life. The West Nile and Zika Virus are transmitted via the bite of Mosquitoes. This is an ongoing threat. A threat that continues to be fought. Yet the City wants to construct a 312 unit apartment complex within an existing wetlands area?

I urge everyone to attend the City Commission meeting 1/19/2021 6:00 PM and The Planning Advisory Board meeting 1/20/2021 6:00 PM.

Due to the Corona Virus virtual attendance is possible. If you can attend in person in a safe and socially distant manner, please do so.

Angel Luis Fernandez

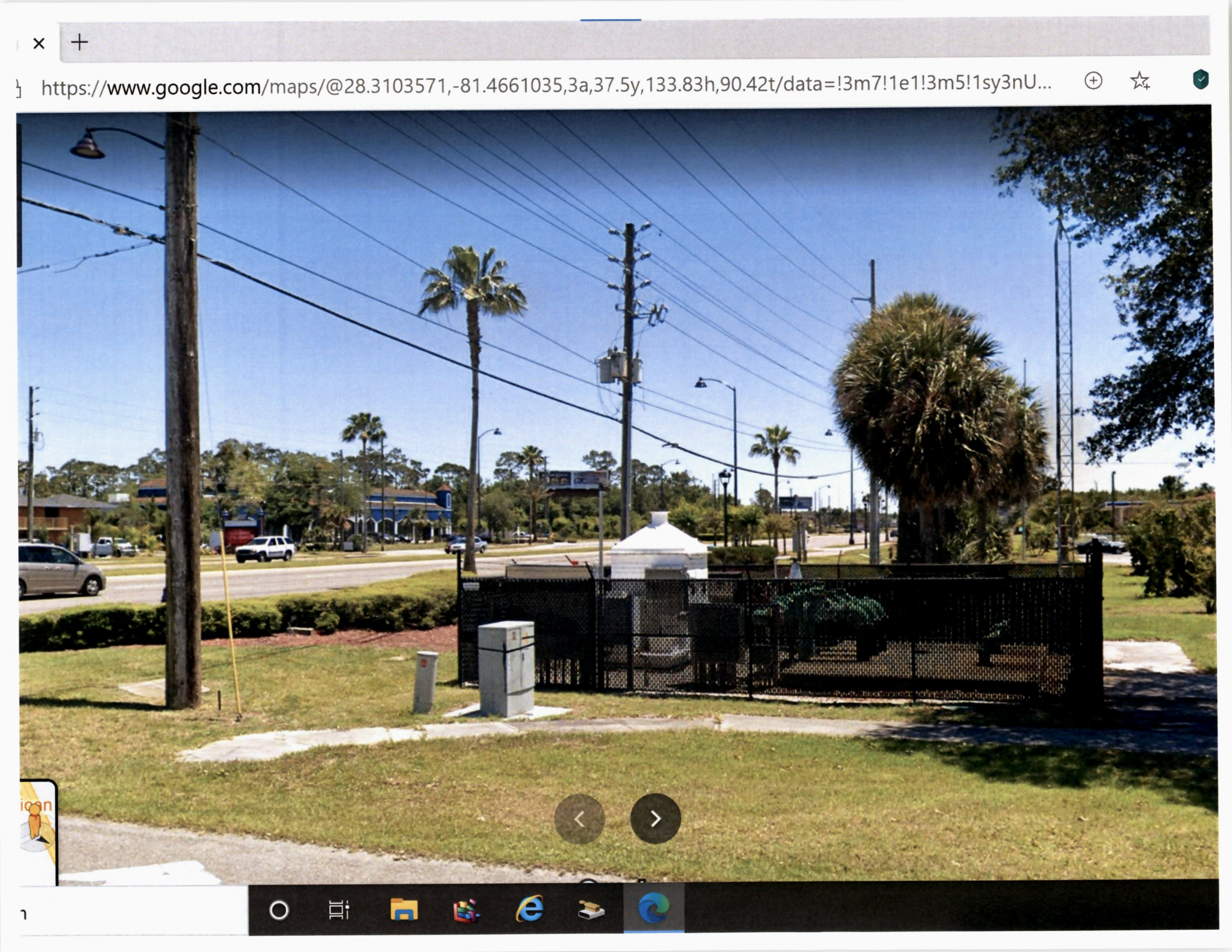
LINDA HANSELL

From: Angel Fernandez <angel.l.fernandez@gmail.com>
Sent: Tuesday, January 19, 2021 1:25 PM
To: LINDA HANSELL
Subject: Four Winds Image for projection
Attachments: Sewage Pumping Station.png

Fernandez (2)

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Hi Linda sorry I forgot an image. This is a photo of the sewage pumping station.
Thank you Angel Fernandez

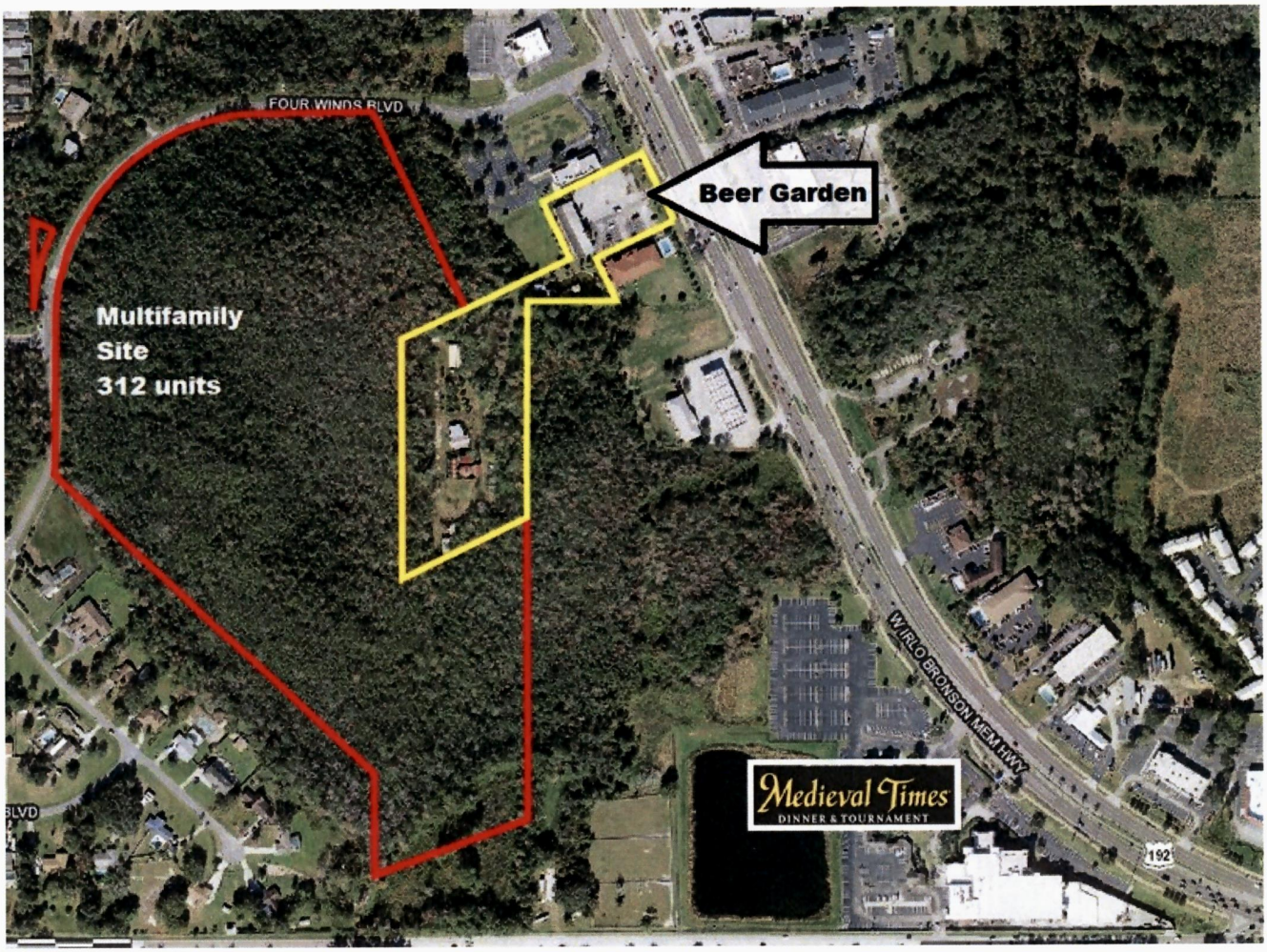

https://www.google.com/maps/@28.3103571,-81.4661035,3a,37.5y,133.83h,90.42t/data=!3m7!1e1!3m5!1sy3nU...

OSCEOLA COUNTY DEVELOPMENTS NEWS

Angel Fernandez (3)

New apartments and German Beer Garden could be headed to JungleLand Zoo site

By LAURA KINSLER
GROWTHSPOTTER | SEP 22, 2020



The new owner of the former JungleLand Zoo property in Kissimmee wants to convert it into an authentic German Beer Garden. The owner of the 36 adjacent acres is seeking a rezoning to build apartments. (Osceola County Property Appraiser)

An Orlando tech entrepreneur with a passion for Pilsner is fulfilling a life-long dream of opening his own German beer garden on the site of the former JungleLand Zoo on Kissimmee's W192 tourism corridor.

Waylon Krush, who founded and sold cyber security firm **Lunarline**, paid $1.3 million a few weeks ago for the long-abandoned zoo attraction at 4580 West Irlo Bronson Memorial Highway and has already started cleaning and clearing the 6.8-acre site. He plans to retrofit the 6,144-square-foot building into a brewery and cafe serving everything from schnitzel to sausage.

He's calling it the **Tiger Konig Beer Garden**: Tiger as an homage to the zoo, and Konig as a riff on the German spelling of "king."

Krush said his love of German beer and food took root when he was stationed there in the Army. "This really is a passion project," he told **GrowthSpotter**. "My background is more software and hardware automation. I've always wanted to do this."

So after running his own company for 16 years, he sold it and launched his dream to bring a touch of Oktoberfest to Kissimmee. He purchased a tent and outdoor furnishings from Munich and plans to give the building's exterior a Bavarian makeover.

"I'm keeping the waterfall on the front the building, but that's the only part of the facade people will recognize," he said.

The interior will receive a full, gut renovation with new plumbing, electrical and upgraded HVAC. "It's a lot of work," he said. "Everyone wants to knock it down, but it has a great history. It's probably going to cost more, but I plan on retrofitting."

Krush said he'll import a variety of German beers, but will also serve as the brewmeister. He wants to flavors to be authentic to the region.



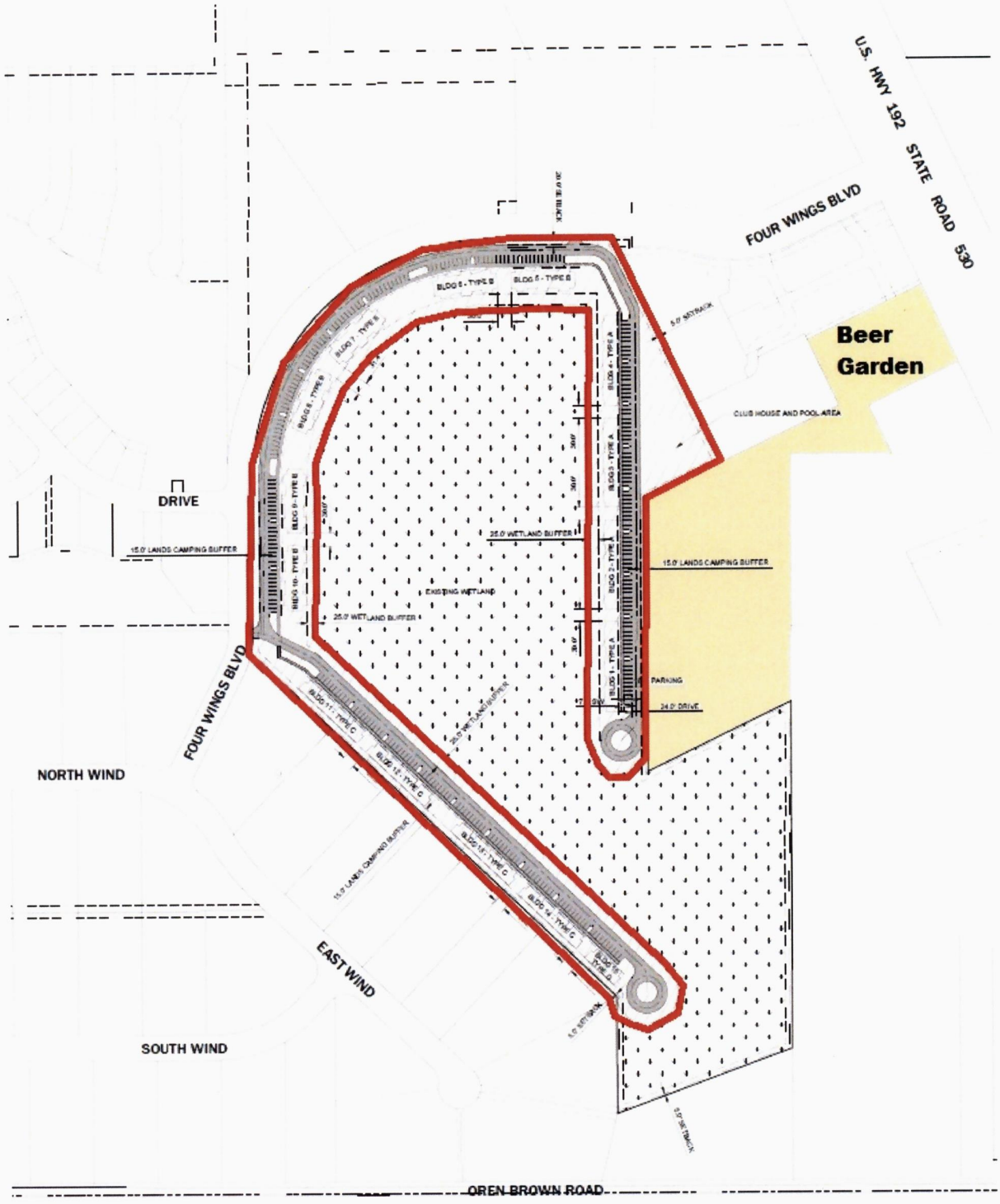
"I'm buying a technology-enabled system where you can load the recipes, and you don't have to be a master brewer," he said. "You can just start with a basic recipe for Kölsch, but you might adjust the level of hops."

He plans to take advantage and make full use of the outdoor space, repurposing the zoo arena into a performance space for live entertainment. He also wants to build new play areas and have a trackless train circulating through the grounds to attract families.

The property is about a quarter mile from another longtime Kissimmee attraction: Medieval Times. The zoo first opened in 1977 and closed permanently in 2002. At one point, the property had running code enforcement fines of $1.1 million.

The seller, Orlando gift shop mogul Arvind Nandu, had previously toyed with converting the property into a self-storage facility but ultimately chose to sell it, netting himself a $750,000 profit after less than two years.

Krush is scheduled to meet with Osceola County's planning staff on Oct. 6. He said he hopes to have permits in hand in time to open by February 2021.



This preliminary site plan shows the layout of the 312-unit apartment complex (outlined in red) on the Four Winds Boulevard property. The former JungleLand Zoo property is highlighted. (KPM Franklin)

Meanwhile, the owners of the adjacent 36-acre property held a pre-application meeting Tuesday with City of Kissimmee. They are applying to annex their land into the city and want to build a multifamily community with over 300 units.

The land is almost entirely wetlands, and the site plan submitted to the city shows the construction would all take place on the perimeter of the site. The submitted

site plan calls for 312 dwelling units across a mix of 2-story townhomes and 5-story garden-style apartment buildings.

The developer, **Juan F. Nagaro**, purchased the property earlier this year for $300,000 under the entity South American Holdings LLC. A licensed architect, Nagaro is owner of Blue Projects USA.

He has enlisted **KPM Franklin** for the civil work and permitting process. The project would require approval for the annexation and to change the future land use from Tourist Commercial to Mixed-Use Vine. The proposed T5-U Zoning falls under the city's new form-based code and allows multifamily buildings up to 5 stories.

Planning Manager Brenda Ryan told the developer he could build up to 8 stories if he qualifies for a density bonus. "I think the biggest challenge is going to be getting through the public hearing process," she said.

*Have a tip about Central Florida development? Contact me at **lkinsler@GrowthSpotter.com** or (407) 420-6261, or tweet me at **@byLauraKinsler**. Follow GrowthSpotter on **Facebook**, **Twitter** and **LinkedIn**.*



Laura Kinsler

Laura Kinsler is the editor of GrowthSpotter. She joined the company in 2015 as Osceola County reporter after a 15-year career at the Tampa Tribune. A proud graduate of the University of Georgia's Grady College of Journalism & Mass Communication, Laura follows the Georgia Bulldogs religiously.

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Cheryl Battey
Hand-out + Email
1/19/2021

LINDA HANSELL

From: BRENDA RYAN
Sent: Tuesday, January 19, 2021 3:33 PM
To: OLGA SANCHEZ DE FUENTES; KALANIT ODED; CRAIG HOLLAND; DOUG ETHEREDGE
Cc: LINDA HANSELL
Subject: FW: virtual hook up info
Attachments: Scan 21.pdf

Cheryl Battey

Public comment from Cheryl Battey.

She will be requesting the City Commission to direct the City Attorney to obtain an AGO for the Four Winds Annexation. There is reference to AGO 77-18 and AGO-85-58.

Please note the new email address*

Brenda Ryan, AICP
Planning Manager, Development Services
City of Kissimmee

101 Church Street, Suite 110
Kissimmee, FL 34741
407.518.2104
Brenda.Ryan@kissimmee.gov

CITY OF KISSIMMEE 1883

From: outsiderclb@aol.com <outsiderclb@aol.com>
Sent: Tuesday, January 19, 2021 3:27 PM
To: BRENDA RYAN <BRENDA.RYAN@kissimmee.gov>
Subject: Re: virtual hook up info

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sorry just saw. been busy I can send my notes but not exhibits

-----Original Message-----
From: BRENDA RYAN <BRENDA.RYAN@kissimmee.gov>
To: 'outsiderclb@aol.com' <outsiderclb@aol.com>
Sent: Tue, Jan 19, 2021 9:13 am
Subject: RE: virtual hook up info

Cheryl,

Use the link below to speak and address the City Commission via Zoom.

Scroll down to City Commission meetings and there is an option to speak and address the Commission with the Online Zoom Portal.

https://www.kissimmeeresponds.com/publicmeetings

Can you provide an electronic copy of the comments?

Please note the new email address*

Brenda Ryan, AICP
Planning Manager, Development Services
City of Kissimmee

101 Church Street, Suite 110
Kissimmee, FL 34741
407.518.2104
Brenda.Ryan@kissimmee.gov

From: outsiderclb@aol.com <outsiderclb@aol.com>
Sent: Monday, January 18, 2021 7:12 PM
To: BRENDA RYAN <BRENDA.RYAN@kissimmee.gov>
Subject: virtual hook up info

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could you please provide me with the instructions for the virtual meeting tues 6pm

several residents would like this info.
I have my comments ready for meeting. that I would like to present to the board.
I made 5 copies so that I could provide each member their copy of items.
Is there away I can sign up now to speak?
thanks
cheryl
PUBLIC RECORDS NOTICE: All e-mail sent to and received from the City of Kissimmee, Florida, including e-mail addresses and content, are subject to the provisions of the Florida Public Records Law, Florida Statute Chapter 119, and may be subject to disclosure.

Proposed annexation 20-20 is not contiguous to City of Kissimmee based on
Fl. Statue ch 171.043 definition of contiguous: (ENCLOSED)
Estimated 800 linear feet located on one side coterminous with City. Estimated 1600 linear feet not coterminous to City. (See land use map)
Therefore not substantial portion of one side contiguous, rest of outer boundary 100% County. thus creating a POCKET ENCLAVE. which Ch 171 strictly prohibits.
Ch. 171.043 (1) states the TOTAL AREA must be contiguous to the City's boundaries.....
This also appears to be corridor annexation since no City property exists on either side of road past Medieval Times. (Again see land use map) The proposed annexation actually runs behind County's Gator INN and newly built Beer Garden.

* see exhibit A Ch.171.043 (1) and ch.171.044 (1) (5)
B. Ch 171.044 (5)
C. AGO 77-18
D. AGO 85-58
E Land use map

I have been seeking the report, for three weeks, that Fl. Statue 171.042 requires the City to provide the County with information outlining certain services to be provided. Since no report has been given I assume that one does not exist.
When I spoke to City Staff about this matter, they informed me that TOHO was the provider of water/sewer services. Nothing was mentioned about the other parameters required.
I have asked to read the inter-local agreement between TOHO and the City. I was directed to the Cities Comprehensive plan and to ask TOHO.
Toho has been extremely un reponsive to any of our request. They are a private company that does not need to reply as an Elected Official would or required sunshine laws. I do not find In the statue that excuses the City from providing the report even thou they have privatized their responsibility.
I believe that the City should have required TOHO to provide the information to the City, so that the required information could be readily available to the Public.

Lacking that type of report, our neighborhood has been very fearful if water/sewer will be to this property and when and the affect if any what requirements will fall on us.
If we would be forced off our wells/septic in order to help pay for the expansion to this development. plus the cost of revamping our older piping to sustain a pressured system of water.
If the townhouses will be allowed to have septic and wells, thus possibly affecting our present well and septic systems.
If frirehydrates will be placed in the development and how it would that affect surrounding properties.
What changes in this wetland will affect the draining of our long standing (40years) neighborhood.
How are wells may be affected with disturbance and construction, of wetland area.
Where would the ingress and egress be located onto Wind Blvd.
Traffic placed of a two land narrow road to egress and ingress to W 192. This being a safety Issue at present time, especially with the very popular restaurant and newly added market.

I would respectfully ask the Commissioners to instruct the City Attorney to obtain an AGO for the proposed annexation based on whether the property is contiguous, creating an enclave or corridor annexation.
To this request, I would ask the Commission to table this motion until our concerns are answered.
As you read in your packet, I attended the planning commission meeting, was told I had already spoke for 4 minutes and could I wrap it up. (I was the only one there to speak)
There was no discussion as you can see from your report on any merits.

Cheryl Battey
1500 E. Wind Blvd.

Hand-out 4.A.
Cheryl Battey
1/19/2021

Proposed annexation 20-20 is not contiguous to City of Kissimmee based on
Fl. Statue ch 171.043 definition of contiguous: (ENCLOSED)
Estimated 800 linear feet located on one side coterminous with City. Estimated 1600 linear feet not coterminous to City. (See land use map)
Therefore not substantial portion of one side contiguous, rest of outer boundary 100% County. thus creating a POCKET ENCLAVE. which Ch 171 strictly prohibits.
Ch. 171.043 (1) states the TOTAL AREA must be contiguous to the City's boundaries.....
This also appears to be corridor annexation since no City property exists on either side of road past Medieval Times. (Again see land use map) The proposed annexation actually runs behind County's Gator INN and newly built Beer Garden.

* see exhibit A Ch.171.043 (1) and ch.171.044 (1)
B. Ch 171.044 (5)
C. AGO 77-18
D. AGO 85-58
E Land use map

I have been seeking the report, for three weeks, that Fl. Statue 171.042 requires the City to provide the County with information outlining certain services to be provided. Since no report has been given I assume that one does not exist.
When I spoke to City Staff about this matter, they informed me that TOHO was the provider of water/sewer services. Nothing was mentioned about the other parameters required.
I have asked to read the inter-local agreement between TOHO and the City. I was directed to the Cities Comprehensive plan and to ask TOHO.
Toho has been extremely un reponsive to any of our request. They are a private company that does not need to reply as an Elected Official would or required sunshine laws. I do not find In the statue that excuses the City from providing the report even thou they have privatized their responsibility.
I believe that the City should have required TOHO to provide the information to the City, so that the required information could be readily available to the Public.

Lacking that type of report, our neighborhood has been very fearful if water/sewer will be to this property and when and the affect if any what requirements will fall on us.
If we would be forced off our wells/septic in order to help pay for the expansion to this development. plus the cost of revamping our older piping to sustain a pressured system of water.
If the townhouses will be allowed to have septic and wells, thus possibly affecting our present well and septic systems.
If frirehydrates will be placed in the development and how it would that affect surrounding properties.
What changes in this wetland will affect the draining of our long standing (40years) neighborhood.
How are wells may be affected with disturbance and construction, of wetland area.
Where would the ingress and egress be located onto Wind Blvd.
Traffic placed of a two land narrow road to egress and ingress to W 192. This being a safety Issue at present time, especially with the very popular restaurant and newly added market.

I would respectfully ask the Commissioners to instruct the City Attorney to obtain an AGO for the proposed annexation based on whether the property is contiguous, creating an enclave or corridor annexation.
To this request, I would ask the Commission to table this motion until our concerns are answered.
As you read in your packet, I attended the planning commission meeting, was told I had already spoke for 4 minutes and could I wrap it up. (I was the only one there to speak)
There was no discussion as you can see from your report on any merits.

Cheryl Battey
1500 E. Wind Blvd.

171.042 Prerequisites to annexation.

(1) Prior to commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, and the report shall include the following:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, as required in paragraph (c), and the general land use pattern in the area to be annexed.

(b) A statement certifying that the area to be annexed meets the criteria in s. 171.043.

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

1. Provide for extending urban services except as otherwise provided herein to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.

3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(2) Not fewer than 15 days prior to commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall file a copy of the report required by this section with the board of county commissioners of the county wherein the municipality is located. Failure to timely file the report as required in this subsection may be the basis for a cause of action invalidating the annexation.

(3) The governing body of the municipality shall, not less than 10 days prior to the date set for the first public hearing required by s. 171.0413(1), mail a written notice to each person who resides or owns property within the area proposed to be annexed. The notice must describe the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. A copy of the notice must be kept available for public inspection during the regular business hours of the office of the clerk of the governing body.

History.—s. 1, ch. 74-190; s. 3, ch. 75-297; s. 1, ch. 78-19; s. 13, ch. 81-167; s. 13, ch. 83-55; s. 5, ch. 84-241; s. 2, ch. 2006-218.

171.043 Character of the area to be annexed.—A municipal governing body

may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

(1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has 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; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is 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 as defined in subsection (2).

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

History.—s. 1, ch. 74-190; s. 2, ch. 76-176.

171.044 Voluntary annexation.—

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be

annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within 7 days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

(6) Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

History.—s. 1, ch. 74-190; ss. 4, 5, ch. 75-297; s. 3, ch. 76-176; s. 2, ch. 86-113; s. 1, ch. 90-171; s. 16, ch. 90-279; s. 16, ch. 98-176; s. 3, ch. 2006-218.

171.045 Annexation limited to a single county.—In order for an annexation proceeding to be valid for the purposes of this chapter, the annexation must take place within the boundaries of a single county.

History.—s. 2, ch. 74-190.

171.046 Annexation of enclaves.—

(1) The Legislature recognizes that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declares that it is the policy of the state to eliminate enclaves.

(2) In order to expedite the annexation of enclaves of 110 acres or less into the most appropriate incorporated jurisdiction, based upon existing or proposed service provision arrangements, a municipality may:

(a) Annex an enclave by interlocal agreement with the county having

effective date of the proposed annexation.

(5) A party that has a contract that was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for 5 years or the remainder of the contract term, whichever is shorter. Within a reasonable time following a written request to do so, the party shall provide the annexing municipality with a copy of the pertinent portion of the contract or other written evidence showing the duration of the contract, excluding any automatic renewals or so-called "evergreen" provisions. This subsection does not apply to contracts to provide solid waste collection services to single-family residential properties in those enclaves described in s. 171.046.

History.—s. 1, ch. 74-190; s. 22, ch. 85-55; s. 1, ch. 88-92; s. 17, ch. 93-206; s. 2, ch. 93-243; s. 2, ch. 2000-304.

171.071 Effect in Miami-Dade County.—Municipalities within the boundaries of Miami-Dade County shall adopt annexation or contraction ordinances pursuant to methods established by the home rule charter established pursuant to s. 6(e), Art. VIII of the State Constitution.

History.—s. 1, ch. 74-190; s. 31, ch. 2008-4.

Appeal Process

171.081 Appeal on annexation or contraction.—

(1) Any party affected who believes that he or she will suffer material injury by reason of the failure of the municipal governing body to comply with the procedures set forth in this chapter for annexation or contraction or to meet the

requirements established for annexation or contraction as they apply to his or her property may file a petition in the circuit court for the county in which the municipality or municipalities are located seeking review by certiorari. The action may be initiated at the party's option within 30 days following the passage of the annexation or contraction ordinance or within 30 days following the completion of the dispute resolution process in subsection (2). In any action instituted pursuant to this subsection, the complainant, should he or she prevail, shall be entitled to reasonable costs and attorney's fees.

(2) If the affected party is a governmental entity, no later than 30 days following the passage of an annexation or contraction ordinance, the governmental entity must initiate and proceed through the conflict resolution procedures established in chapter 164. If there is a failure to resolve the conflict, no later than 30 days following the conclusion of the procedures established in chapter 164, the governmental entity that initiated the conflict resolution procedures may file a petition in the circuit court for the county in which the municipality or municipalities are located seeking review by certiorari. In any legal action instituted pursuant to this subsection, the prevailing party is entitled to reasonable costs and attorney's fees.

History.—s. 1, ch. 74-190; s. 3, ch. 78-95; s. 916, ch. 95-147; s. 5, ch. 2006-218.

171.091 Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and



OFFICE OF
ATTORNEY GENERAL
ASHLEY MOODY
Stronger, Safer Florida

Advisory Legal Opinion - AGO 77-18

Print Version

Number: AGO 77-18
Date: February 10, 1977
Subject: Voluntary annexation

MUNICIPALITIES—CHARACTERISTICS OF AREA TO BE ANNEXED--CONTGUITY, COMPACTNESS, CREATION OF ENCLAVES

To: Roy Christopher, City Attorney, Mount Dora

Prepared by: Jerald S. Price, Assistant Attorney General

QUESTION:

May a parcel of land be voluntarily annexed into a city if such parcel is contiguous with the city only by virtue of a side of the parcel meeting one side of a highway previously annexed into the city?

SUMMARY:

A municipality should not undertake to voluntarily annex a parcel of land, pursuant to s. 171.044, F. S. (1976 Supp.), if contiguity of the municipality with the parcel to be annexed exists only through contact with a highway previously annexed by the municipality, or if such annexation would result in creation of an enclave. Use of a "strip" or "corridor," such as a highway, as a device to gain contiguity is disapproved by a majority of jurisdictions. Contiguity of the annexing municipality with the area to be annexed is required even in the absence of a statute such as s. 171.044, *supra*, which requires contiguity and compactness of the area to be annexed and which prohibits the creation of enclaves.

Voluntary annexation is controlled by s. 171.044, F. S. (1976 Supp.), the procedures of which are stated to be "supplemental to any other procedure

provided by general or special law, except that this procedure shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation." Section 171.044(4). There are three specific requirements in s. 171.044 which must be applied to the annexation proposal in question: that the property to be annexed be compact; that the property to be annexed be contiguous to the annexing municipality; and that annexation under s. 171.044 not have the effect of creating enclaves.

In regard to compactness and contiguity, subsection (1) of s. 171.044 provides:

"The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."

And in regard to the creation of enclaves, subsection (5) of s. 171.044 provides that "[l]and shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves."

The compactness requirement does not appear to present a problem in regard to the annexation proposal with which you are concerned. From the information and maps furnished to me, I must conclude that the parcel in question is of a rectangular configuration with no irregularities such as might prevent it from being considered reasonably compact.

However, the requirement of contiguity of the area to be annexed with the annexing municipality and the prohibition against creation of enclaves would appear to prevent annexation of the parcel in question. In prohibiting the creation of enclaves, the Legislature neglected to define the term "enclave." No Florida appellate decision of which I am aware has defined the term, and the only decision from any other jurisdiction I have found that defines "enclave" is City of Saginaw v. Board of Sup'rs of Saginaw County, 134 N.W.2d 378, 380 (Mich. 1965), wherein the court merely adopted the definition provided in Webster's Third New International Dictionary: "a tract of territory enclosed within foreign territory." Another such definition is provided in the Random House Dictionary of the English Language, which defines "enclave" as "a country, or esp., an outlying portion of a country, entirely or mostly surrounded by the territory of another country." I have applied these definitions to the instant proposal through the information and maps furnished to me and am of the opinion that the courts would probably view annexation of the parcel in question as resulting in the creation of a municipal enclave in violation of subsection (5) of s. 171.044.

It is also my opinion that use of the previously annexed highway as a device for satisfying the contiguity requirement of subsection (1) of s. 171.044 would not be viewed favorably by the courts. [I would note here that contiguity is a requirement even in the absence of a specific statutory requirement therefor. MacKinlay v. City of Stuart, 321 So.2d 620, 623 (4 D.C.A. Fla., 1975).] In AGO 071-315, I specifically considered whether a municipality could annex a state road right-of-way and thereafter use that road to satisfy the contiguity requirement of former s. 171.04, F. S., which authorized annexation by a municipality of "any unincorporated tract of land lying contiguous thereto." I pointed out, first, that "it is difficult to conceive of any municipal benefits that could be conferred upon a strip of land that may not be used for anything except transportation purposes . . .." I then stated the following (under the assumption, for purpose of argument, that the actual annexation of a highway would be valid) in regard to whether such a previously annexed highway could be used to establish contiguity with a parcel of land having substantial contact only with that highway:

"This question has not been passed upon by appellate courts of this state. However, the courts of other jurisdictions have done so. While there is some authority to the contrary, *the great weight of authority is that contiguity existing only through a narrow 'corridor,' such as a highway, running from the city to a tract of land some distance from the city is not sufficient to justify the annexation of such tract as 'contiguous' or 'adjacent' territory.* See Ridings v. City of Owensboro, Ky. App. 1964, 383 S.W.2d 510; Watson v. Doolittle, Ohio App. 1967, 226 N.E.2d 771; In re City of Springfield, Ill. App. 1967, 228 N.E.2d 755; Clark v. Holt, 218 Ark. 504, 237 S.W.2d 483; State ex rel. Danielson v. Village of Chubbuck, 76 Idaho 453, 284 P.2d 414; People ex rel. Village of Worth v. Ihde, 23 Ill.2d 63, 177 N.E.2d 313, City of Denver v. Coulehan, 20 Colo. 471, 39 P. 425. In Watson v. Doolittle, supra, it was noted that the courts have characterized such attempted annexations by means of connecting strips as 'strip, shoestring, subterfuge, corridor, and gerrymander' annexations and have struck down such annexations as 'attempts to circumvent the annexation law requiring annexed property to be adjacent and contiguous.'" (Emphasis supplied.)

I reiterated the above conclusion from AGO 071-315 in AGO 074-61, stating:

"In AGO 072-282, it was ruled that a tract of land that is separated from a municipality only by a county road that runs parallel to the city limits is 'contiguous' within the purview of s. 171.04, supra. That opinion applied the 'common-sense rule' that 'the existence of a highway or right-of-way does not prevent land from being contiguous.' People ex rel. Strong v. City of Whittier, 24 P.2d 219 (2 D.C.A. Cal. 1933). *Such a*

minor geographical division, however, is to be distinguished from a situation in which a city attempts to annex territory that is physically separated from it by other territory and is connected to the city only by a road. In this latter circumstance--referred to as 'strip' or 'corridor' annexation--a city may not annex the territory involved. AGO 071-315." (Emphasis supplied.)

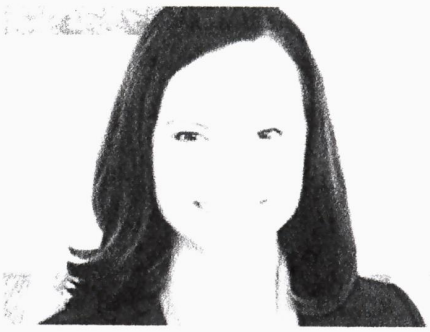
I have researched this issue again and have concluded that the above statements from AGO's 071-315 and 074-61 remain accurate and correct. There are still no Florida appellate decisions on this point, and the majority of decisions from other jurisdictions continues to disapprove of so-called strip or corridor annexation, such as that which appears to be contemplated by your municipality. In the minority of decisions upholding this type of annexation, the courts often make a point of stating that they are allowing the municipalities to exercise a liberal interpretation and application of their powers of annexation under their states' statutes. However, it is not likely that such an approach would be taken by the courts of this state. Rather, the approach of a Florida court would probably follow the rule expressed by the court in Town of Mangonia Park v. Homan, 118 So.2d 585, 588 (2 D.C.A. Fla., 1960): "Where the power to extend boundaries has been delegated to a municipal corporation, the power must be exercised *in strict accord* with the statute conferring it." (Emphasis supplied.) Thus, I am of the opinion that your question may be answered by repeating what I stated in AGO 071-315, that "[u]nless and until it is judicially ruled to the contrary, I have the view that this type of annexation should not be attempted by a municipality."

In conclusion, I would offer for your consideration the following general statement on municipalities from 56 Am. Jur.2d *Municipal Corporations, Etc.* s. 69, which has frequently been quoted with approval by courts of various jurisdictions. It conveys clearly the underlying concepts on which the municipality, as a unit of social and political organization, is based and provides insight into the reasoning of those courts which have repeatedly rejected annexation schemes tending to create disjointed, nonunified municipalities:

"The legal as well as the popular idea of a municipal corporation in this country, both by name and use, is that of oneness, community, locality, vicinity; a collective body, not several bodies; a collective body of inhabitants--that is, a body of people collected or gathered together *in one mass, not separated into distinct masses*, and having a community of interest because residents of the same place, not different places. So, as to territorial extent, the idea of a city is one of *unity, not of plurality*, of compactness or contiguity, not separation or segregation." (Emphasis supplied.)

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OFFICE OF
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Advisory Legal Opinion - AGO 85-58

Print Version

Number: AGO 85-58
Date: July 31, 1985
Subject: Annexation of property surrounded by uincorporated land

Mr. Fred S. Disselkoen, Jr.
City Attorney
City of Ormond Beach
120 East Granada Boulevard
Post Office Box 2633
Ormond Beach, Florida 32075

RE: MUNICIPALITIES--Strip or corridor annexation

Dear Mr. Disselkoen:

This is in response to your request for an opinion on substantially the following question:

Does s. 171.044, F.S., permit the City of Ormond Beach to voluntarily annex a parcel of property, one side of which is continguous to a previously annexed corridor, but which is otherwise surrounded by unincorporated land?

Your inquiry and supplemental information provided to this office states that an applicant has requested voluntary annexation for a large tract of property, one side of which adjoins a 125-foot wide corridor of unimproved real property which runs several miles west and north from the southwest corner of the city proper and which was annexed to the city in 1962 by ordinance pursuant to s. 171.04, F.S.1961. Although that statute was held unconstitutional in City of Auburndale v. Adams Packing Association, 171 So.2d 161 (Fla. 1965), the legislature subsequently enacted Ch. 65-563, Laws of Florida, purporting to validate municipal annexations prior to July 1, 1964, as of the date of the annexation, with

an exception not pertinent to your inquiry. Thus, the 1962 annexation of the corridor involved herein must be considered presumptively valid, and no comment is expressed thereon.

Voluntary annexation is controlled by s. 171.044, F.S.; ss. 171.044(1) and (5), F.S., authorize a petition to a municipality's governing body for the voluntary annexation of real property in an unincorporated area of a county "which is contiguous to a municipality and reasonably compact" and when such annexation will not result in the creation of enclaves. In light of the provisions of s. 171.044 and in further view of the definitions provided in s. 171.031, F.S. (1984 Supp.), for "contiguous" and "compactness," you question whether the parcel of property referred to above is subject to voluntary annexation pursuant to s. 171.044, F.S., since, except for the adjoining corridor, the property "lies several miles west of the current limits of the City of Ormond Beach and is surrounded by [Volusia] County lands." *Cf.* County of Volusia v. City of Daytona Beach Shores, 356 So.2d 932 (1 D.C.A. Fla., 1978); AGO 80-84 (although s. 171.044[4], F.S., provides that s. 177.044 does not apply to municipalities in counties with charters which provide an exclusive method of municipal annexation, the Volusia County charter does not so specify such matters).

Section 171.031(11), F.S. (1984 Supp.), provides in pertinent part as follows:

"Contiguous' means that a substantial part of a boundary of the territory sought to be annexed by a municipality *is coterminous with a part of the boundary of the municipality*. . . . However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity . . . ." (e.s.)

I am unable to conclude that s. 171.031(11), F.S. (1984 Supp.), operates to govern or control the disposition of your question, since the facts upon which your inquiry is based demonstrate that "a substantial part of a boundary of the territory sought to be annexed" by the City of Ormond Beach is indeed "coterminous with" the previously described corridor which must be presumed as validly annexed. Moreover, to the extent that the statute directs its construction against allowing entities such as rights-of-way, or strips of land, "*to be annexed* in a corridor fashion to gain contiguity" (e.s.), the statute appears to speak to future annexations and its plain meaning does not seem to apply to the presumptively valid annexation in 1962 of the corridor to which your inquiry refers. *See* Ch. 75-297, Laws of Florida, amending s. 171.031(11), F.S. (1974 Supp.). *Compare* Ch. 74-190, Laws of Florida. The phrase, "to be," has a futuristic implication. See Equitable Life Assur. Soc. of

United States v. Davis, 137 P.2d 548, 554 (Okla. 1943). *Cf.* State *ex rel.* Turner v. Hocker, 18 So. 767, 769 (Fla. 1895) (use of phrase, "to be defined," in statutory title contemplates a change, or difference, from preexisting definition). In addition, the rule that a statute is presumed to operate prospectively only, in the absence of clear legislative intent to the contrary, applies with particular force where retroactive effect would impair or destroy existing rights. State v. Lavazzoli, 434 So.2d 321 (Fla. 1983); Trustees of Tufts College v. Triple R. Ranch, Inc., 275 So.2d 521 (Fla. 1973).

However, in addition to requiring that the property to be annexed be contiguous, s. 171.044, F.S., in prescribing the procedure for voluntary annexation, requires that the property to be annexed be compact and that such annexation not result in the creation of enclaves. *See* s. 171.031(12), F.S. (1984 Supp.), which defines "compactness" to mean a "concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns." This office has previously defined "enclave" as "territory enclosed within foreign territory" and "an outlying portion of a country, entirely or mostly surrounded by the territory of another country," *see* AGO 77-18, and as "a tract of territory enclosed within foreign territory," see, AGO 80-84, citing to dictionary definitions in both opinions. *Cf.* City of Saginaw v. Board of Supervisors of County of Saginaw, 134 N.W.2d 378 (Mich. 1965), also citing to such dictionary definitions. In AGO 77-18, this office addressed a factual situation virtually indistinguishable from your inquiry and concluded that the courts would probably view such voluntary annexation as resulting in the creation of an enclave, and thus prohibited by s. 171.044. In light of the above, it appears that the statutory prohibition on the creation of enclaves may prevent the annexation of the parcel in question. *See also* City of Sunrise v. Broward County, Case No. 84-1715 (4 D.C.A. Fla., July 3, 1985), denying certiorari review to a trial court judgment which invalidated a voluntary annexation ordinance on the basis that such annexation resulted in the creation of enclaves of county land surrounded by incorporated land and that the annexation area was not reasonably compact. However, in the absence of a statutory definition of "enclave" for purposes of Ch. 171, F.S., any definitive determination as to whether a particular annexation results in the creation of an "enclave" must come from the courts as a result of case-by-case review. Notwithstanding the application of the statutory language, I am of the view that the remaining conclusions of AGO 77-18 are most responsive to your question. That opinion considered whether a parcel of land could be voluntarily annexed into a city if such parcel were contiguous with the city only by virtue of a side of the parcel meeting one side of a highway previously annexed into the city. The opinion concluded as follows:

"A municipality should not undertake to voluntarily annex a parcel of land, pursuant to s. 171.044, F.S. (1976 Supp.), if contiguity of the municipality with the parcel to be annexed exists only through contact with a highway previously annexed by the municipality, or if such annexation would result in creation of an enclave. Use of a 'strip' or 'corridor,' such as a highway, as a device to gain contiguity is disapproved by a majority of jurisdictions. Contiguity of the annexing municipality with the area to be annexed is required even in the absence of a statute such as s. 171.044, *supra*, which requires contiguity and compactness of the area to be annexed and which prohibits the creation of enclaves."

See MacKinlay v. City of Stuart, 321 So.2d 620 (4 D.C.A. Fla., 1975). *Compare* AGO 72-282, concluding that a tract of land that is separated from a municipality only by a county road that runs parallel to the city limits is "contiguous" for purposes of voluntary annexation, with AGO's 74-61 and 71-315, distinguishing AGO 72-282 from the situation presented where a city attempts to annex territory physically separated from it and connected only by a road, since such situation falls within the disfavored "strip" or "corridor" type of annexation. While it still does not appear that there is a Florida appellate decision precisely on point, it further appears that a majority of jurisdictions continues to disapprove of "strip" or "corridor" annexations. *See* cases cited in AGO 77-18; *accord* Board of County Commissioners of County of Jefferson v. City and County of Denver, 543 P.2d 521 (Colo. 1975); People ex rel. Bowman v. Village of Bensenville, 381 N.E.2d 1170 (Ill. App. 1978); Big Sioux Township v. Streeter, 272 N.W.2d 924 (S.D. 1978). *See generally* cases collected at 49 A.L.R.3d 589, *et seq.*

Accordingly, although it appears that the parcel of property proposed for voluntary annexation by the City of Ormond Beach is "contiguous" for purposes of s. 171.044, F.S., and s. 171.031(11), F.S. (1984 Supp.), the proposed annexation would appear to result in the creation of a prohibited enclave within the purview of the definition of "compactness" in s. 171.031(12), F.S. (1984 Supp.). Moreover, I am of the view that use of the previously annexed corridor as a device for satisfying the contiguity requirement would not be viewed favorably by the courts. *See* AGO 77-18. Thus, a municipality should not undertake to voluntarily annex a parcel of property, one side of which is contiguous to a previously annexed corridor, but which is otherwise surrounded or enclosed by unincorporated land, since the obtainment of contiguity by such device is disfavored by the courts and such contiguity is a requirement even in the absence of a statute such as s. 171.044. MacKinlay v. City of Stuart, *supra;* AGO's 77-18 and 71-315.

In sum, then, and until and unless legislatively or judicially determined

In sum, then, and until and unless legislatively or judicially determined otherwise, I am of the opinion that the City of Ormond Beach should not undertake to voluntarily annex a parcel of property, one side of which is contiguous to a previously annexed corridor, but which is otherwise surrounded by unincorporated land.

Sincerely,

Jim Smith
Attorney General

Prepared by:

Kent L. Weissinger
Assistant Attorney General

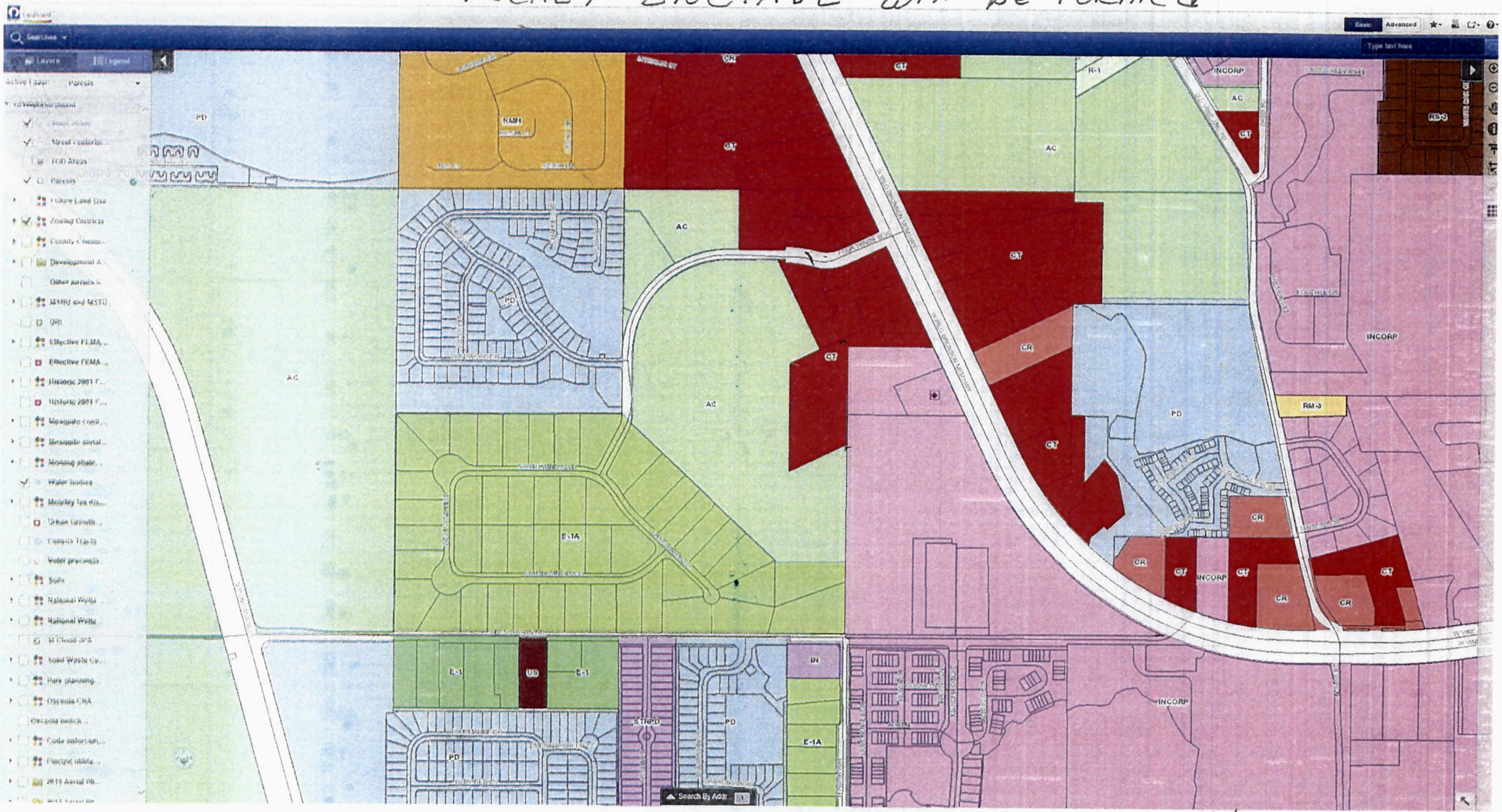
PINK – City

ALL ELSE – County

Est. 800 lineair feet – touches city border

Est. 6400 lineair feet is County

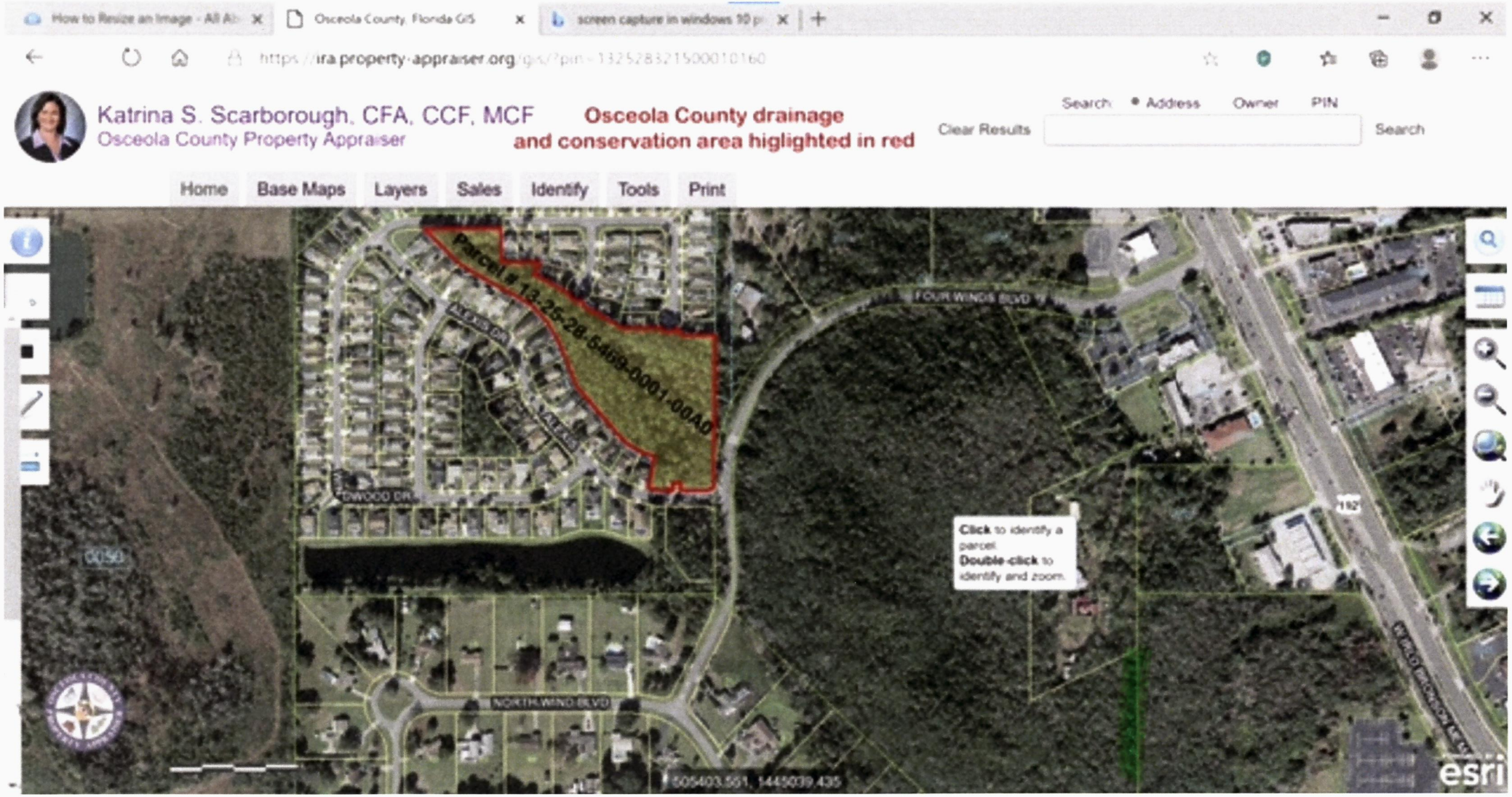
POCKET ENCLAVE will be Formed



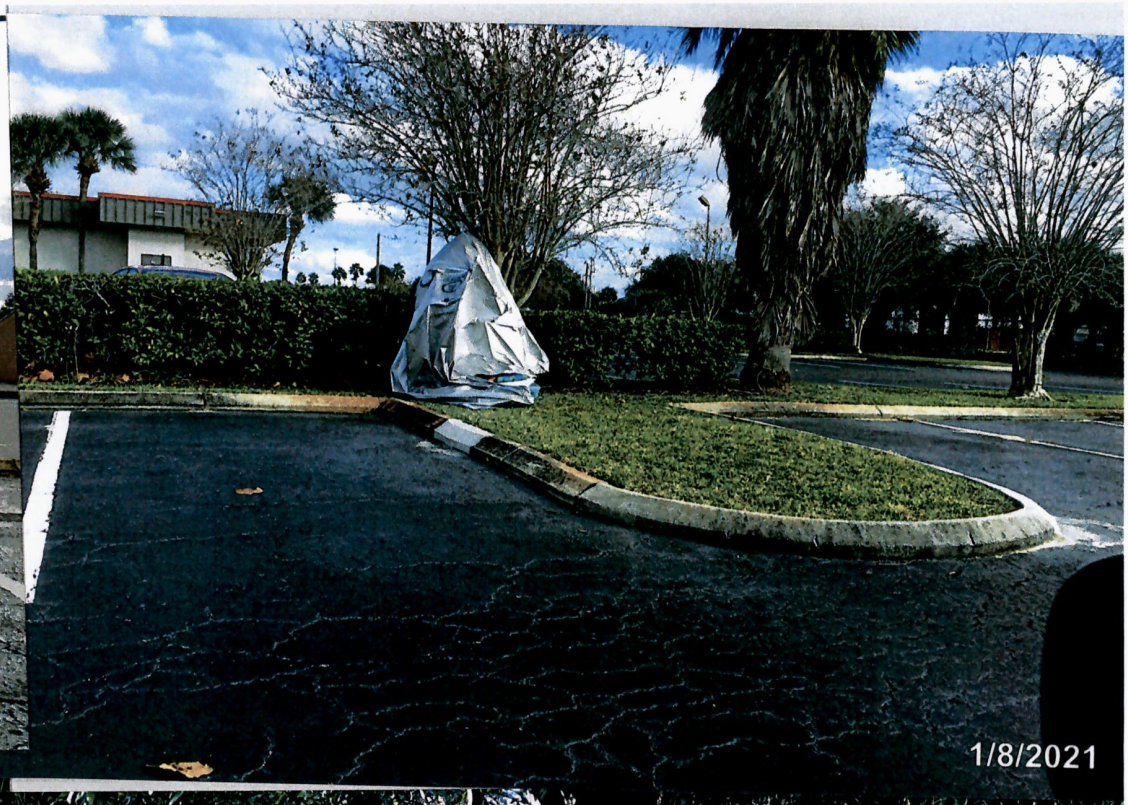
ALSO Going behind County Property thru County property creates a Serpentine Annexation

Est 800 lineair feet touches City on one side VS Est 1600 lineair feet that does not


Parcel # 13-25-28-0000-0310-0000
West side of Four Winds Blvd.
Osceola County installed drainage culvert


How to Resize an Image - All A
Osceola County, Florida GIS
screen capture in windows 10 p
https://ira.property-appraiser.org/gis/?pin=132528321500010160
Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
Osceola County drainage
and conservation area higlighted in red
Search: Address Owner PIN
Clear Results
Search
Home
Base Maps
Layers
Sales
Identify
Tools
Print
Parcel # 13-25-28-5469-0001-00A0
FOUR WINDS BLVD
EDWOOD DR
NORTH WIND BLVD
192
Click to identify a parcel.
Double-click to identify and zoom.
505403.561, 1445039.435
esri


1/8/2021


1/8/2021


1/8/2021


1/8/2021

Hand-out 4.A.
Annexation Four Winds
Did not speak 1/19/2021
Beatriz Colon

LINDA HANSELL

From: Beatriz Colon <bccintron@yahoo.com>
Sent: Monday, January 18, 2021 10:41 AM
To: BRENDA RYAN; CITY CLERK
Cc: peggy.choudhry@osceola.org
Subject: Four Winds Annexation and Future Land Use - Dec. 15th City Commission Meeting - rescheduled

EXTERNAL EMAIL: This email originated from outside of the organization. DO NOT REPLY, CLICK LINKS, or OPEN ATTACHMENTS unless you recognize the sender and know the content is safe

To whom it may concern,

I am writing to voice my objection to the approval of use of the wetlands at Four Winds area for the building of a 300unit apartment complex. I'm a resident of the Four Winds Division and I'm concerned that the development of such will have an adverse impact on the residents of this and our neighbors at Windwood Division. These are some:
- The destruction of the wetland and the apartment complex use of water may drain our source of well water which is what all our houses have had for years; and if we needed then to convert to city water for water and sewer, with the need to change plumbing et all- who would be responsible for that huge cost that we have not had to consider if the are remains as is; would the city pay the cost?
- With so much new people right behind us, our security and concern for some especially young people jumping from the apartments to go and hang out in our backyards or commit theft or crime is of worry to me.
- The high increase in traffic that such a number of cars with one main road for 3 communities and no light in an intersection that has already had many accidents and a death.

I would ask the City Commission representatives to disapprove the annexation and use of that land for the development of an apartment complex; I urge you to protect the little green areas that increase the oxygen to our area and protect the innocent animals that reside there (are they going to be trapped and killed if they develop it?) AND to offer peace of mind and civic duty to protect to the residents of Four Winds Blvd.

If you're objection to us is the need for more housing, I would recommend the refurbishing of all the low occupancy/empty motels along 192 as residence apartments which will provide place for more people and would allow this places not to run down and appear as an eyesore and be of use for the community.

Respectfully,
Dr. Beatriz Colon
1480 E. Wind Blvd
Kissimmee, Fl

Did not speak
Hand-out 1/19/2021
Dr. A. Steele

LINDA HANSELL

From: BRENDA RYAN
Sent: Tuesday, January 19, 2021 3:19 PM
To: 'Jessica Valero'; Corinne Carpenter
Cc: Peggy Choudhry; 'clsrealty@aol.com'; LINDA HANSELL
Subject: RE: Four Winds Estates impacted by Planned City rezoning and development

Your email has been received and will be forwarded to the City Commission for consideration for the Jan. 19th City Commission meeting.

****Please note the new email address****

Brenda Ryan, AICP
Planning Manager, Development Services
City of Kissimmee

101 Church Street, Suite 110
Kissimmee, FL 34741
407.518.2104
Brenda.Ryan@kissimmee.gov

From: Jessica Valero <Jessica.Valero@OSCEOLA.ORG>
Sent: Tuesday, January 19, 2021 12:32 PM
To: Corinne Carpenter <cori.carpenter@OSCEOLA.ORG>
Cc: Peggy Choudhry <Peggy.Choudhry@OSCEOLA.ORG>; 'clsrealty@aol.com' <clsrealty@aol.com>; BRENDA RYAN <BRENDA.RYAN@kissimmee.gov>
Subject: RE: Four Winds Estates impacted by Planned City rezoning and development

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Good afternoon, Ms. Carpenter. I apologize as I meant to copy you on my previous email to Ms. Ryan on behalf of Commissioner Choudhry.

Thank you,

Jessica Valero
Senior Administrative Assistant
to Commissioner Peggy Choudhry, District 1 Osceola Board of County Commissioners Osceola County Manager's Office
1 Courthouse Square, Suite 4700
Kissimmee, Florida 34741
Phone: 407.742.2387 * Fax: 407.742.2391
Email: Jessica.valero@osceola.org * Visit us online at: www.osceola.org

From: Jessica Valero
Sent: Thursday, January 14, 2021 12:20 PM
To: 'BRENDA RYAN' <BRYAN@kissimmee.org>
Cc: Peggy Choudhry <Peggy.Choudhry@osceola.org>; 'clsrealty@aol.com' <clsrealty@aol.com>
Subject: FW: Four Winds Estates impacted by Planned City rezoning and development

Good afternoon, Ms. Ryan. On behalf of Commissioner Choudhry, please see below from Dr. A. Steele for review and response from the City.

All best,

Jessica Valero
Senior Administrative Assistant
to Commissioner Peggy Choudhry, District 1
Osceola Board of County Commissioners
Osceola County Manager's Office
1 Courthouse Square, Suite 4700
Kissimmee, Florida 34741
Phone: 407.742.2387 * Fax: 407.742.2391
Email: Jessica.valero@osceola.org * Visit us online at: www.osceola.org

From: clsrealty [mailto:clsrealty@aol.com]
Sent: Thursday, January 14, 2021 11:31 AM
To: Peggy Choudhry <Peggy.Choudhry@OSCEOLA.ORG>
Subject: Four Winds Estates impacted by Planned City rezoning and development

[EXTERNAL EMAIL] - This email originates outside of Osceola County Government. Do not click links or open attachments unless you recognize and confirm the sender's email address. If you are unsure if an email is safe or not, please forward the email to itsecurity@osceola.org

Dear Ms. Choudry,
I hope you are aware of your constituents who are tax paying property owners and many residents of Four Winds for more than thirty five years We know original developer and know about the drainage and the protected species in the woods behind east Wind blvd. We know that there never has been an hoa.the City has not done the proper research and just is bullying and trying to annex land behind Gator Motel .We do not want any part of being in the City of Kissimmee and we do not want building in the Conservation area. We also do not want a through street or more traffic to try out of on 192 . in three major hurricanes our area has zero flooding as was planned to drain to natural swamp area behind East wind . The developer who can testify to all history of original site plan etc. did not build on the muck because of conservation and FEMA and offering one acre to people for a nice quiet area in the higher former pasture area. We already have had to endure negative consequences of poor County decisions on hwy192 putting non profits and not revenue producing business on both sides of Four Winds Blvd! There used to be two restaurants on the corners where two non profits are now . We the residents of Four Winds Esates and Windward Cay are prepared to present our case . We are contacting all Agencies and doing thorough research . I hope you will work to protect our neighborhood and not let it be ruined. Respectfully , Dr. A Steele

Please Note: Florida has a very broad Public Records Law. E-mails to this entity or its employees may be considered a public record. Your e-mail communication, including your email address may be disclosed to the public and media at any time.