

**RESOLUTION NO. 2019-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA DECLARING THE INTENT OF THE BOARD TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES, THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF SEBASTIAN WITH RESPECT TO THE GRAVES BROTHERS COMPANY VOLUNTARY ANNEXATION; DIRECTING THE COUNTY ADMINISTRATOR TO MAIL A CERTIFIED COPY OF THIS RESOLUTION TO THE CITY OF SEBASTIAN AS WELL AS THE CITY OF FELLSMERE.**

**WHEREAS**, the City Council of the City of Sebastian approved the annexation of approximately 1,116 acres of property located south of County Road 510 as requested by the Graves Brothers Company; and

**WHEREAS**, as part of the annexation, the City Council approved an annexation agreement with the Graves Brothers Company; and

**WHEREAS**, the voluntary annexation agreement contains provisions that appear to be in conflict with the Interlocal Agreement Providing for the Transfer of the City of Sebastian Water and Wastewater System between the City of Sebastian and Indian River County, dated September 20, 1995; and

**WHEREAS**, additionally it is uncertain as to whether the annexed property meets the contiguous and compactness requirements of section 171.044, Florida Statutes; and

**WHEREAS**, the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, requires governmental entities to follow a dispute resolution process prior to engaging in litigation against another governmental entity;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:**

**1.** The Indian River County Board of County Commissioners adopts as true and correct the recitals stated above and incorporates same by reference as part of this Resolution.

**2.** It is the intention of the Indian River County Board of County Commissioners to initiate the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, prior to initiating court proceedings to resolve the conflict.

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3. The issue of conflict is with the City of Sebastian with respect to the annexation of approximately 1,116 acres located south of County Road 510 as requested by the Graves Brothers Company and the annexation agreement affiliated with the annexation.

4. Pursuant to Section 164.1052, Florida Statutes, the Indian River County Board of County Commissioners requests that the County Attorney's Office send a letter and a certified copy of this resolution to the City of Sebastian City Manager, Paul Carlisle by certified mail, return receipt requested. The letter shall state the nature of the conflict, and the justification for joining the conflict resolution process, and suggestions regarding the officials who should be present at the conflict assessment meeting. Copies of the letter and resolution shall also be provided to the City of Fellsmere.

The foregoing resolution was moved for adoption by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

Chairman Bob Solari	_____
Vice Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Tim Zorc	_____
Commissioner Peter D. O'Bryan	_____

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_ day of September, 2019.

**ATTEST:** Jeffrey R. Smith, Clerk of Court  
and Comptroller

**BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Bob Solari, Chairman

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
Dylan Reingold, County Attorney