



*Office of*  
**INDIAN RIVER COUNTY  
ATTORNEY**

Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney  
**DATE:** June 8, 2020  
**SUBJECT:** Interlocal Agreement with Fellsmere for Annexation of the Enclave on 89<sup>th</sup> Street

**BACKGROUND.**

On January 17, 2020, Warren Dill, counsel for the City of Fellsmere (the "City"), requested that the Indian River County Board of County Commissioners (the "Board") consider entering into an interlocal agreement with the City to authorize the City to annex some homes on 89<sup>th</sup> Street.

Pursuant to section 171.046(2)(a), Florida Statutes, a municipality may annex an enclave of 110 acres or less by interlocal agreement with the county having jurisdiction of the enclave. Per section 171.031(13), Florida Statutes, an enclave means

- (a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or
- (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

This statutory authorization does not apply to undeveloped or unimproved real property. The attached letter from Warren Dill discusses the status of the properties in light of this requirement.

Pursuant to the statute, the County Attorney and Mr. Dill have drafted an interlocal agreement, which is attached. The interlocal agreement acknowledges that the area to be annexed is developed or improved, is one hundred ten acres or less in size, and is completely surrounded by the City or bounded by the City and a natural or manmade obstacle that allows passage of vehicular traffic to the enclave only through the City.

The City will be conduct a public meeting concerning the annexation. The City will be responsible for mailing notices of the City meeting and the Board meeting to all owners of real property located in the enclave.

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**FUNDING.**

The only cost associated with this item is the recording fee for recordation of the interlocal agreement which will be paid by the City of Fellsmere.

**RECOMMENDATION.**

The County Attorney's Office recommends that the Chair allow for public comment on this matter and then have the Board vote whether to approve the interlocal agreement as drafted.

**ATTACHMENT(S).**

Proposed Interlocal Agreement  
Map of Enclave  
Memorandum from Warren Dill, dated May 27, 2020