

E.G. (DAN) BOONE

JEFFERY A. BOONE

STEPHEN K. BOONE

JACKSON R. BOONE STUART S. BOONE

ANNETTE M. BOONE

LAW OFFICES

## BOONE, BOONE & BOONE, P.A.

P. O. BOX 1596

VENICE, FLORIDA 34284

ESTABLISHED 1956

STREET ADDRESS:

IOOI AVENIDA DEL CIRCO 34285

TELEPHONE (941) 488-6716

FAX (941) 488-7079

e-mail: adm@boone-law.com

JAMES T. COLLINS, LAND PLANNER (NOT A MEMBER OF THE FLORIDA BAR)

November 17, 2020

Mr. Jeff Shrum, AICP Community Development Director City of Venice 401 W. Venice Ave. Venice, FL 34285

Re: Catalyst HRE - Annexation Petition No. 20-52AN

Dear Mr. Shrum:

As you are aware, we represent the applicant in connection with Annexation Petition No. 20-52AN (the "Petition"). In response to the request contained in Technical Review Committee comments dated November 6, 2020, we are writing to provide our opinion as to whether the annexation proposed by the Petition would create an enclave.

Florida Statutes Chapter 171 governs municipal annexation. Section 171.031(13), F. S., defines "Enclave" as follows:

"(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."

The subject property of the Petition (the "Property") is part of the Woodland Acres Plat, as recorded in the public records of Sarasota County (attached hereto as Exhibit "A"). The Woodland Acres Plat identifies Curry Lane as a 60 foot private road right-of-way running east and west, and separating lots 1-7 to the north from lots 8-12 to the south. Consistent with recently approved Annexation Petition No. 20-01AN, Curry Lane is not included in this Petition, and it therefore will remain under the jurisdiction of Sarasota County.

The Property's annexation would not create an enclave. Whereas an enclave is an unincorporated area that is "enclosed within and bounded *on all sides* by a single municipality"

Jeff Shrum, AICP November 11, 2020 Page 2

(emphasis added), the unincorporated lots in the Woodland Acres Plat would neither be enclosed within nor bounded on all sides by the City of Venice, as all such lots will remain bound on at least one side by Sarasota County via Curry Lane. Similarly, because these unincorporated lots would remain bound by Curry Lane, the passage of vehicular traffic to the unincorporated area would not be only through the City of Venice.

Consequently, annexation of the Property would not create an enclave, and the remaining unincorporated area would maintain the same access for transportation and essential services through Sarasota County it enjoys today.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact us.

Very truly yours,

Annette M. Boone

amb

16855\lts JS - Enclave Legal Opinion

1	THIS PLAY HAS GERTIFIED THAT  THIS PLAY HAS GERMAN CONTROLLY  DOUBLE OF COUNTY COMMISSION  PATRICK SOTA, FLAY, FLAY OF OFF  CONTROL SOTA, FLAY, FLAY OF OFF  THE COUNTY OF OFF  COMPLIES IN FORM WITH ALL THE SOF FLOY  OF THE COUNTY OF OFF  COMPLIES IN FORM WITH ALL THE SOF FLOY  OF THE COUNTY OF OFF  THAT THIS PLAY TAS SEEN FILED FLOY  THAT THIS PLAY THE SEEN FILED FLOY  THAT THE SEEN FILED FLOY  THE SEEN FLO	COUNTY COMMISSION  CONTY COMMI	12 10 0 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	MOLTONO JOURNAL STORE ST	COUNTY OF GARASOTA STATE OF LORIDA	-WOODLAND ACRES - SETTING
APPERTAINING.  A. ARCHIE B. BROWN, RES. LAND.  ".A. SURVEYOR FLA. CERT. # 746.  DATE OF SURVEY: Am. 1971		SURVEYOR PLATER THE LANDS  FOR LAND SURVEYOR WERE TO A CONTROL  FOR LAND SURVEYOR WERE TO A CONTROL  FOR THE THIS PLAY IS A TRUE  REMARKS WITH THIS PLAY IS A TRUE	CONTON, AND THEY RACH OULT ACK- COTION, AND THEY RACH OULT ACK- COTION, AND THEY RACH OULT ACK- COTION, AND THEY RACH OULT ACK- COTION AND THEY COTICED THE SAME  WITHESS MY HAND AND OFFICIAL  O SEAL AT SAMESOTA COUNTY CLA  O THIS COTO FOR THEY  O THIS COTO FOR THE	DEFORE ME THE UNDERSURED ME	ROBERT NUEWALIRRY, AND FRINKY CURRY, HUSBAND AND WIFE, CERTYFY THAT WE ARE THE GOVERN AND DO HEREBY DESCRIPTOR AND AND AND EXCEPT AND AND DO HEREBY DESCRIPTOR AND SO HEREBY DESCRIPTOR AND SO HAVE TO AND SO HAVE THE FORWARD AND SO HAVE THE FORMAT AND SO HAVE THE FORMAT AND SO HAVE TO THE USE OF THE GEN.  AND STREET, CANALLY DESCRIPTOR OF AND SO HAVE AND	CERTIFICATE OF OWNER-