



CITY OF MARY ESTHER

195 CRISTOBAL ROAD - N. ● MARY ESTHER, FLORIDA 32569
TELEPHONE (850) 243-3566 - FAX (850) 243-0736

June 19, 2009

Col. Bruce H. McClintock
Commander, 96th Air Base Wing
Eglin AFB FL 32542

RE: City of Mary Esther Annexation

Dear Col. McClintock,

As we have discussed, this issue is of the highest importance to the well being of the City of Mary Esther. It is also very "time sensitive" because we are at the time of year when we must compile our city budget for the next year. We hope and believe that the packet we have enclosed will give you the information necessary for you to make your recommendation to proceed forward with this action.

I believe that you will find that the Air Force at Hurlburt Field benefits from this action and loses nothing in the process. All of our experts are adamant when advising us that this is true. It is the very core of the intent of the JLUS, community growth without infringement on the mission of the Air Force. PLUS it is the right thing to do. We have a very long history of successful partnership between the "local folks" and the military leadership in our community.

If there is anything else we can provide to help in this matter please let us know. I look forward to our joint meeting to further discuss the successful completion of this very important matter.

Respectfully,

C.H. "Chuck" Bolton
MAYOR
City of Mary Esther

1.12. Annexing Land.

OWNERSHIP OF LAND DOES NOT CHANGE AND THE POWERS AND IMMUNITIES OF THE BASE COMMANDER UNDER FEDERAL LAW ARE NOT AFFECTED.

1.12.1. The Secretary of the Air Force or a designated representative has the authority to accept or protest annexation of Air Force controlled land.....Annexations are not usually opposed unless the Secretary or representative finds that the action would not be in the best interest of the government or the annexation proposal is opposed by another political subdivision.

RESPONSE:

To the best of our knowledge, there has been NO opposition to this annexation request.

1.12.2

MAJCOM and AFREA/DR should be notified when Mary Esther completes its portion of information on the annexation.

RESPONSE:

Please consider this packet as the City of Mary Esther's very hopeful request for annexation of federal land that is being used by the military base – Hurlburt Field.

1.12.3

Ms. Jacqueline Bouchard and Staff will prepare an **Annexation and Evaluation Report for submittal through the MAJCOM to AFREA/DR** for Secretariat approval.

Data included:

1.12.3.1 **Location of the area, its acquisition origin, and present use.**

RESPONSE:

Location of the area for annexation is in the Northwest corner of the state of Florida in Okaloosa County on Hurlburt Field. The exact location is the Northwest quarter of Section 17, Township 2 South, Range 24 West, plus all of Section 18, Township 2 South, Range 24, plus all of Section 13, Township 2 South, Range 25 West.

Its acquisition origin will be included upon completion of a Title Search.

Present use is an active military installation.

1.12.3.2 **Title Search.**

RESPONSE:

The City's attorney is pursuing a title search and it will be attached when completed.

1.12.3.3 **A color-coded map of the general area proposed for annexation, showing the extent of the government installation and the lands proposed for annexation. The map must be a portion of the Air Force installation plan and must show both current and proposed uses of the property at issue.**

RESPONSE:

A color-coded map of the general area proposed for annexation, showing the extent of the government installation and the lands proposed for annexation is attached. The map shows both current and proposed uses of the property at issue. The current use is "active military installation", and that use will not change in any way.

1.12.3.4. **Effect, if any on the base or installation comprehensive (master) plan and assigned mission.**

RESPONSE:

There will be absolutely no adverse impacts on the base or installation comprehensive (master) plan and assigned mission. The proposed annexation will likely have a positive effect on a large portion of the base personnel. The City of Mary Esther will receive additional State of Florida funds which will allow us to improve recreational facilities,

infrastructure and enhance public safety as well as other public service improvements. The City of Mary Esther houses numerous base personnel, all of whom we are extremely thankful for!

See below and next page: 2 letters; Mary Esther's Attorney and Consultant.

CONERLY, BOWMAN & DYKES, LLP

ATTORNEYS & COUNSELORS AT LAW
POST OFFICE BOX 6944
4481 LEGENDARY DRIVE, SUITE 200
DESTIN, FLORIDA 32550

TELEPHONE (850) 837-5118
FAX (850) 837-5187
E-MAIL:
HDYKES@DESTIN-LAW.COM

HAYWARD DYKES, JR.
ADMITTED IN FLORIDA

June 1, 2009

Mayor Chuck Bolton
John Lulue, City Manager
City of Mary Esther
195 Christobal Road N.
Mary Esther, Florida 32569

Re: Effect of Annexation of Hurlburt Field by the City of Mary Esther

Dear Messer Bolton and Lulue:

Pursuant to your request we are writing in reference to the proposed annexation of Hurlburt Field by the City of Mary Esther ("City"). Our understanding is that the City would like us to review whether or not such annexation would have a negative effect on the privatized housing on Hurlburt Field.

First, we assumed that the Hurlburt Field property would meet the criteria set forth in §171.043, Florida Statute. Assuming that Hurlburt Field property meets the criteria, and assuming the City is able to meet the requirements of providing services if requested under Chapter 171 of the Florida Statutes, the annexation appears to be a very attractive option.

Next we looked at the affect the annexation may have to the City's Comprehensive Plan. As Mr. Jack Dorman, of J.E. Dorman & Associates, Inc., pointed out in his April 10, 2009 letter to you both, the annexation appears favorable and we would tend to agree. My office would recommend that to ensure there is no adverse affect to the "privatized" housing on Hurlburt Field, Mr. Dorman's suggestion of amending the Comprehensive Plan is implomented.

For the reasons noted above, and assuming that the City understands its responsibilities when it annexes property, in our opinion there appears to be no negative impact to Hurlburt Field's privatized housing and the proposed annexation will provide positive benefits to the City.

If you need anything additional regarding this matter please feel free to contact my office.

Sincerely,
Conerly, Bowman & Dykes, LLP


Hayward Dykes, Jr., Esq.



J.E. Dorman & Associates, Inc.

Growth Management Services

April 10, 2009

Mayor Chuck Bolton
John Lulue, City Manager
City of Mary Esther
195 Christobal Road N.
Mary Esther, Florida 32569

RE: Effect of Annexation on the Activities, Plan and Programs of Hurlburt Field

Dear Mr. Bolton and Mr. Lulue

As we discussed, the annexation of Hurlburt Field by the City of Mary Esther will have no adverse impacts on the operations, activities, plans or programs at Hurlburt Field or on any Department of Defense installation or activity. Rather, the annexation could produce positive benefits for the military and its personnel.

The annexation could lead to improved services enjoyed or required by those stationed at Hurlburt Field. Among other things, improved recreation facilities, infrastructure improvements, public safety enhancements and other public service improvements likely would ensue from the annexation.

In addition, the City is currently preparing a set of amendments to its Comprehensive Plan. One amendment will provide for a representative from Hurlburt Field on the City's Local Planning Agency. As you know, this Agency (Board) is responsible for various community planning efforts undertaken by the City. Having a representative on this very important Board can insure that activities of the City do not adversely affect the military and would be beneficial to both the City and Hurlburt. This becomes even more beneficial and important if Hurlburt Field is within the Mary Esther City Limits.

You asked what impact the annexation would have on the plans for "privatized" housing on base. For various reasons related to Florida and Federal Laws, the annexation would have no impact or affect. To insure that the military's plans are not impeded, a policy can be added to the Comprehensive Plan indicating that the activities, plans and programs of the military are deemed to be consistent with the City's Plan. While not really necessary, such a policy would eliminate any question as to whether the activities at Hurlburt Field, including but not limited to, privatized housing, are consistent with the City's Plan.

1.12.3.5

Known benefits to the base or installation personnel, if any, resulting from annexation.

RESPONSE:

The City of Mary Esther Fire Department would be able to enhance the automatic aid agreement between all the area fire departments. We would be able to further assist with any emergency aid needed on Hurlburt Field.

The City of Mary Esther currently contracts our **police** service with the Okaloosa County Sheriff's Department. The city funds 5 full time deputies and these deputies could better respond to the base when needed.

Snow Removal N/A

Street Maintenance N/A The city would not enter the military base and would not be involved or have any control over Hurlburt Field projects for streets and roads. This is a military installation and would not be subject any of the requirements the City of Mary Esther imposes on its contractors or residents.

Sanitation Services N/A The city would not enter the military base and would not be involved or have any control over Hurlburt Field's sanitation services. This is a military installation and would not be subject any of the requirements the City of Mary Esther imposes on its contractors or residents.

Use of Schools There would be no change. Mary Esther Elementary School is located within the city limits and services will be carried out in the continuing manner.

Utility Services N/A The city would not enter the military base and would not be involved or have any control over Hurlburt Field's utility services. This is a military installation and would not be subject any of the requirements the City of Mary Esther imposes on its contractors or residents.

- With the additional State Revenue received for the added "residents" (Hurlburt personnel), the City of Mary Esther would be better able to enhance our Parks and Recreation Department, the infrastructure of the city, police and fire protection, and various social activities. All of these will be an enormous benefit for the personnel at Hurlburt Field.

Show the current source of utilities for the installation and include annexor's capability to furnish such services. N/A

1.12.3.6

Adverse Effects, if any, on the base or installation personnel from municipal taxation, licensing, or other actions, that could result in increased costs because of the levy of taxes on Air Force concessionaires, contractors, or lessees.

RESPONSE:

N/A There would be **absolutely NO effect** on the base as far as taxation, licensing, and the city would have **absolutely NO control** over concessionaires, contractors, or lessees. **The City of Mary Esther would have no control over any activities on this military installation.**

1.12.3.7 **Reasons given by the state political subdivision for annexing government land and whether any opposition to the annexation proposal has been expressed by other political subdivisions.**

RESPONSE:

- 1) Because of our unique situation, the City of Mary Esther is currently land locked. We are bordered to the South by the Santa Rosa Sound, to the North by Hurlburt Field, and to the West by Hurlburt Field. This proposed annexation of the southern portion of Hurlburt Field would allow the City of Mary Esther a contiguous boundary to West Okaloosa County for potential future growth.
- 2) Should the proposed annexation be approved, the City of Mary Esther would be allowed to count the Hurlburt population included in the proposed annexation area. This would increase the population of Mary Esther and allow the City to receive additional funding from the State of Florida.

The City of Mary Esther is not aware of any opposition to the proposed annexation.

1.12.3.8. **The base commander's recommendation on the proposed annexation.**

RESPONSE:

This is where the City of Mary Esther is hopeful the Base Commander will make a positive recommendation!

1.12.4

Where time is of the essence and to make sure that the government interests in the annexation are not forfeited, the base or installation commander may ask for an extension of time before the annexation becomes effective to allow the Secretary to comment on its affect on the Air Force installation. This may be done by letter, personal appearance at the proceedings, or as otherwise stipulated by state law or local ordinances, subject to amendment, explanation, or withdrawal, after the Air Force has had time to review the facts and establish its final position.

RESPONSE:

The City of Mary Esther will begin discussing our budget in July. We are required to compile our budget for next year but with the loss of revenue from the State and other governmental funds we are losing tens of thousands dollars. Without this annexation the City of Mary Esther will be forced to drop the level of service our residents have come to rely on. We may be forced to eliminate positions, thus leaving people unemployed. Several of our residents are military personnel and we employee dependents of the military. The issue is ripe!

If this proposed annexation takes place, we would be able to IMPROVE our resident's level of service.

We greatly appreciate you taking this matter into consideration. The City of Mary Esther strongly believes this will produce positive benefits for the military and its personnel, as well as the City.