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ANNEXATION - FLORIDA

Matlacha Civic Association, Inc. v. City of Cape Coral

District Court of Appeal of Florida, Second District- May 22, 2019 - So.3d - 2019 WL 2203179

Civic association of unincorporated community, residents of unincorporated community, and residents of city brought petition for writ of certiorari to review city ordinance annexing city-owned parcels of land in unincorporated community into city limits.

The Circuit Court dismissed petition for lack of standing. Civic association and residents brought second-tier petition for writ of certiorari.

The District Court of Appeal held that:

- City residents had statutory standing to seek certiorari review of annexation, but
- Circuit court's dismissal of petition by residents of unincorporated community did not deprive residents of common law right of certiorari.

Residents of city had standing to challenge city's annexation of land parcels under statute governing review of an annexation or contraction, even though they did not allege they had suffered a present "material injury" as direct result of the annexation; statutory standing provision did not require present material injury, but, rather, plainly conferred standing on "any party affected who believes that he or she will suffer material injury," and statute defined "parties affected" to include persons owning property or residing in a municipality proposing annexation.

Circuit court's dismissal on standing grounds of petition for writ of certiorari brought by residents of unincorporated community to challenge city's annexation of land parcels within community did not deprive residents of their common law right of certiorari, where petitioners did not bring certiorari petition pursuant to any common law right, but, rather, pursuant to statutory provision governing challenges by "parties affected" to annexation, and residents of unincorporated community were not "parties affected" as defined in statute.