

# **Bond Case Briefs**

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## **ANNEXATION - FLORIDA**

### **Ranucci v. City of Palmetto**

**District Court of Appeal of Florida, Second District - April 14, 2021 - So.3d - 2021 WL 1395231**

City brought action for declaratory relief and specific performance, seeking declaration that subdivision lot was contiguous to city's property, that its annexation agreement with prior owner was valid and enforceable, that owners of lot were required to petition for annexation under annexation agreement, and that owners and subdivision's homeowners association (HOA) were equitably estopped from refusing to perform under annexation agreement.

Following a bench trial, the Circuit Court entered final judgment in favor of city. Owners and HOA appealed.

The District Court of Appeal held that:

- City's claim for declaratory relief accrued, and five-year limitations period began to run, when lot became contiguous to city's property and owners failed to petition for annexation;
- City's claim for specific performance accrued, and one-year limitations period began to run, when owners failed to petition for annexation when lot became contiguous to city's property; and
- Failure of owners and HOA to petition for annexation were not continuing breaches of annexation agreement, and thus city's claims accrued when owners and HOA initially failed to petition for annexation.

City's claim for declaratory relief concerning validity and enforceability of its annexation agreement with prior owner of subdivision lot accrued, and five-year limitations period began to run, when lot became contiguous to city's property and owners of lot failed to petition for annexation as contemplated in annexation agreement.

City's claim for specific performance of its annexation agreement with prior owner of subdivision lot accrued, and one-year limitations period began to run, when owners of lot failed to petition for annexation when lot became contiguous to city's property.

City's request, as part of its claim for declaratory relief arising out of agreement providing that landowners would petition for annexation of property when landowners' lot became contiguous to city's property, that trial court declare that landowners were required to petition city for annexation was effectively a request for specific performance and thus was subject to one-year statute of limitations.

Failure of owners of subdivision lot and homeowners association (HOA) to petition for annexation into city under city's annexation agreement with prior owner were not continuing breaches of agreement, and thus city's claims for declaratory judgment and specific performance of annexation agreement accrued, and limitations periods began to run, when owners and HOA initially failed to petition for annexation; obligation to seek annexation occurred only when lot or property became contiguous to city's property.

