

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

STEPHEN NOBLE,

Petitioner,

v.

CITY OF FLAGLER BEACH,
FLORIDA,

Respondent.

Filed Pursuant to Fla. R.
App. P. 9.100(f)

CASE NO. 2026 CA 000218

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**PETITION FOR WRIT OF CERTIORARI
CHALLENGING ANNEXATION ORDINANCE**

Petitioner, by and through his undersigned Counsel, respectfully
Petitions this Court for review of the City of Flagler Beach's Adoption of an
Ordinance annexing property associated with the development known as
Veranda Bay, and states the following:

I.

INTRODUCTION

This case concerns the unlawful annexation of property by the City of
Flagler Beach in violation of Florida's Statutory Requirements governing
voluntary annexation. Florida law clearly requires that voluntary annexation
be initiated by **petition of the property owner or owners of the property
proposed for annexation.**

II.

STANDARD OF REVIEW

When reviewing Local Government Quasi-Judicial action by Certiorari, the Circuit Court determines whether:

1. Procedural due process was afforded;
2. The essential requirements of law were observed; and
3. The decision is supported by competent substantial evidence.

Failure to comply with mandatory Statutory Requirements constitutes a departure from the essential requirements of law warranting relief

III.

APPLICABLE LAW

Municipal Annexation in Florida is governed by Chapter 171, Fla. Stat. Voluntary Annexation procedures are specifically established by §171.044, Fla. Stat. The Statute provides that, a Municipality may annex contiguous, compact, unincorporated territory **upon the filing of a petition signed by the owners of the property** proposed to be annexed.

Florida Statute §171.044 requires that:

1. The Petition be **signed by all owners of property** in the area to be annexed.

2. The Petition be filed with the governing body of the Municipality requesting annexation.
3. The Municipality then consider adoption of an Annexation Ordinance.

These statutory requirements are mandatory prerequisites to Voluntary Annexation. Florida courts have repeatedly held that Annexation statutes must be **strictly construed** because Annexation represents an expansion of municipal authority over territory and residents.

IV.

ARGUMENT

The Annexation Petition Was Legally Insufficient

Allowing an annexation to proceed without compliance with Statutory requirements would undermine the safeguards established by the Florida Legislature to ensure that annexation occurs only with the consent of property owners. The ordinance must therefore be vacated.

V.

CONCLUSION

The Annexation of the Veranda Bay property by the City of Flagler Beach failed to comply with mandatory requirements of Florida law governing Voluntary Annexation. The absence of property owner signatures on the

Annexation Petition renders the Petition invalid and deprives the City of the authority to approve the annexation. Because the City acted in violation of the essential requirements of law, the Annexation Ordinance must be quashed.

WHEREFORE, Petitioner STEPHEN NOBLE requests that the Court:

1. Issue a Writ of Certiorari quashing the Annexation Ordinance adopted by the City of Flagler Beach approving the Annexation of the Veranda Bay property.

2. Declare the Annexation invalid due to the failure to comply with statutory requirements governing Voluntary Annexation.

3. Remand the matter to the City with instructions that any future Annexation proceedings comply fully with Florida law.

4. Grant such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED on this 29th day of March 2026.

/s/ John W. Tanner

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COUNSEL FOR PETITIONER
STEPHEN NOBLE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court by using the *ePortal* system and served a copy thereof via Electronic Mail to **Mayor Patti King** (pking@cityofflaglerbeach.com), and **Chairman Eric Cooley** (ecooley@cityofflaglerbeach.com), on this 29th day of March 2026.

/s/ John W. Tanner

JOHN W. TANNER, ESQUIRE

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the font and word count requirements of Florida Rule of Appellate Procedure 9.045.

/s/John W. Tanner

JOHN W. TANNER, ESQUIRE