

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 10, 2007

Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Engineering Services

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Adopt: A Resolution transferring jurisdictional control, maintenance responsibilities, and ownership to the City of Delray Beach (City) for Jefferson Road from Military Trail east to Whatley Road, Lincoln Road from Jefferson Road south, then east to Whatley Road and Whatley Road from Lincoln Road north to West Atlantic Avenue.

Summary: This action will adopt a Resolution giving the City control, responsibility, and ownership of Jefferson Road, Lincoln Road, and Whatley Road. These roads are wholly within the City limits. The City has agreed to the transfer of the responsibility for operation and maintenance of the public rights-of-way of Lincoln Road, Jefferson Road and Whatley Road from Palm Beach County to the City of Delray Beach.

District: 4 (MRE)

Background and Justification: Palm Beach County acquired Jefferson Road, Lincoln Road, and Whatley Road through Resolution R-77-771. These roads are solely within the limits of the City of Delray Beach and have been annexed into the City through Resolution R-2005-0923 and Ordinance 14 and 15-05. Jefferson Road, Lincoln Road, and Whatley Road have 50 foot wide rights-of-way. The City has requested that Palm Beach County transfer these roads to the City. Staff has reviewed the request and recommends approval.

Attachments:

1. Location Map
2. Resolution
3. Interlocal Agreement (R2005-0923)

Recommended by: _____

Chris Rich
Chris Rich

Division Director

3/8/07

Date

Approved by: _____

T. Will
T. Will

County Engineer

3/14/07

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2007 | 2008 | 2009 | 2010 | 2011 |
|--------------------------|---------------|------------|------------|------------|------------|
| Capital Expenditures | \$ -0- | -0- | -0- | -0- | -0- |
| Operating Costs | -0- | -0- | -0- | -0- | -0- |
| External Revenues | -0- | -0- | -0- | -0- | -0- |
| Program Income (County) | -0- | -0- | -0- | -0- | -0- |
| In-Kind Match (County) | -0- | -0- | -0- | -0- | -0- |
| NET FISCAL IMPACT | \$ -0- | -0- | -0- | -0- | -0- |

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No ____
 Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no additional fiscal impact.

There will be some savings in operating cost by not having to perform maintenance on these roads which is estimated to be less than \$2,500 per year.

C. Departmental Fiscal Review: R. J. Ward 3/7/07

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 3-15-07
 OFMB
 [Initials] 3/15/07 [Initials] 3/16/07

[Signature] 3/16/07
 Contract Dev and Control
 [Initials] 3/16/07

B. Approved as to Form and Legal Sufficiency:

This item complies with current County policies.

[Signature] 3/21/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. R-2007-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TRANSFERRING JURISDICTIONAL CONTROL, MAINTENANCE RESPONSIBILITIES, AND OWNERSHIP TO THE CITY OF DELRAY BEACH FOR JEFFERSON ROAD FROM MILITARY TRAIL, EAST TO WHATLEY ROAD, LINCOLN ROAD FROM JEFFERSON ROAD, SOUTH THEN EAST TO WHATLEY ROAD, AND WHATLEY ROAD FROM LINCOLN ROAD, NORTH TO WEST ATLANTIC AVENUE.

WHEREAS, Palm Beach County currently has control and responsibility for Jefferson Road from Military Trail, east to Whatley Road, Lincoln Road from Jefferson Road, south then east to Whatley Road and Whatley Road from Lincoln Road, north to West Atlantic Avenue; and,

WHEREAS, Jefferson Road, Lincoln Road and Whatley Road, are wholly within the municipal limits of the City; and,

WHEREAS, as stated in R2005-0923 the City of Delray Beach has requested that Palm Beach County transfer these roads to the Village.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. This Board does hereby transfers control, responsibility, and ownership of Jefferson Road, Lincoln Road and Whatley Road, to the City of Delray Beach.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson

John F. Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chair thereupon declared the Resolution duly passed and adopted this

_____ day of _____, 2007.

APPROVED AS FOR FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, Clerk and Comptroller

BY: _____
County Attorney

By: _____
Deputy Clerk

R2005 0923

MAY 03 2005

INTERLOCAL AGREEMENT

This Interlocal Agreement is made 25th day of April, 2005 between the City of Delray Beach, a municipality in Palm Beach County, Florida, hereinafter referred to as "City" and Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County", each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes.

WHEREAS, Chapter 163, Part I, Florida Statutes (2004), known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, The "Florida Interlocal Cooperation Act of 1969" permits public agencies as defined herein to enter into Interlocal Agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, Chapter 171.046, Florida Statutes (2004), provides for annexation of certain enclaves by entering into an Interlocal Agreement between the Municipality and the County having jurisdiction over such enclave; and

WHEREAS, Chapter 171.046, Florida Statutes (2004), limits annexation by Interlocal Agreement to enclaves of ten (10) acres or less in size; and

WHEREAS, Chapter 171.031(13)(a) and (b), Florida Statutes (2004), defines enclaves as developed or improved property bounded on all sides by a single municipality, or bounded by a single municipality and by a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality; and

ATTACHMENT 3

WHEREAS, the County and the City have determined that it is appropriate and will promote efficient provision of governmental services for the City to annex certain parcels that are contiguous and in proximity to the City's municipal boundaries; and

WHEREAS, it has been determined by the County that the parcels to be annexed via this Interlocal Agreement meet the requirements set out in Chapters 171.031(13)(a) and (b) and 171.046, Florida Statutes (2004), as such enclaves are developed or are improved, are ten (10) acres or less in size, and are completely surrounded by the City or are surrounded by the City and a natural or manmade obstacle that allows the passage of vehicular traffic to the enclaves only through the City; and

WHEREAS, the parcels identified for annexation in this Interlocal Agreement are in the City's future annexation area as provided for in the Annexation Element of the City's Comprehensive Plan; and

WHEREAS, the County and the City agree that the parcels to be annexed via this Interlocal Agreement are subject to the Land Use Atlas of the Palm Beach County Comprehensive Plan and the County zoning and subdivision regulations until the City adopts a comprehensive plan amendment to include the parcels to be annexed in the City's Comprehensive Plan.

NOW, THEREFORE, in consideration of the mutual representations, terms and covenants hereinafter set forth, the parties hereby agree as follows:

Section 1. Purpose

The purpose of this Agreement is to allow annexation by the City of Delray Beach of certain unincorporated enclaves which are identified in Composite Exhibit "A" attached hereto and made a part hereof.

Section 2. Definitions

The following definitions shall apply to this Agreement:

1. The term "enclave" shall be defined as set forth in Chapter 171.031(13)(a) and (b), Florida Statutes (2004).
2. "Act" means Part 1 of Chapter 163, Florida Statutes (2004).

3. "Agreement" means this Interlocal Agreement, including any amendments or supplements hereto, executed and delivered in accordance with the terms hereof.

Section 3. Annexation

The unincorporated enclaves identified in Composite Exhibit "A", which is attached hereto and made a part hereof, are hereby annexed into and are included in the corporate boundaries of the City of Delray Beach.

Section 4. Public Right-of-Way

Contingent upon both the City and the County agreeing to the annexation by Delray Beach of all parcels identified in Composite Exhibit "A", those portions of the right-of-way of Lincoln Road, Jefferson Road and Whatley Road located within the area identified in Composite Exhibit "A" is hereby annexed into and included in the corporate boundaries of the City of Delray Beach. This includes acceptance by the City of ownership and maintenance of the right-of-way of those portions of Lincoln, Jefferson and Whatley Roads, and responsibility for providing emergency services in those areas. Approval of this Interlocal Agreement by both parties constitutes mutual agreement by the City and County pursuant to Section 335.0415, Florida Statutes (2004), to the transfer of the responsibility for operation and maintenance of the public right-of-way of those portions of Lincoln, Jefferson and Whatley Roads from Palm Beach County to the City of Delray Beach.

Section 5. Effective Date

This Agreement shall take effect upon execution by both parties.

Section 6. Filing

Upon execution by both parties, a copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

Section 7. Notification

The City hereby acknowledges that it has provided written notice to all owners of real property located in the enclaves identified in Exhibit "A" whose names and addresses are known by reference to the latest published ad valorem tax records of the Palm Beach County Property Appraiser. The written notice shall describe the purpose of the Interlocal Agreement and shall state the date, time, and place of the meeting of

the City Commission of the City of Delray Beach where this Interlocal Agreement shall be considered for adoption. The written notice shall also indicate the name and telephone number of a Palm Beach County staff person to contact regarding the date, time and place when the Palm Beach County Board of County Commissioners shall consider the adoption of this Interlocal Agreement.

Section 8. Captions

The captions and section designations herein set forth are for convenience only and shall have no substantive meaning.

Section 9. Severability

In the event that any section, paragraph, sentence, clause, or provision hereof be held by a court of competent jurisdiction to be invalid, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.

Section 10. Entirety of Agreement

This Agreement represents the entire understanding between the parties, and supersedes all other negotiations, representations, or agreement, either written or oral, relating to this Agreement. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

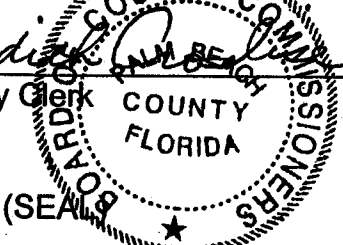
R2005 0923
MAY 03 2005

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

ATTEST: Sharon R. Bock
Clerk & Comptroller

Addie Greene

Tony Masilotti, Chairman
Addie L. Greene, Vice Chairperson

By: Judith A. ...
Deputy Clerk
 (SEAL) PALM BEACH COUNTY COMMISSIONERS
PALM BEACH COUNTY
FLORIDA

Approved as to Form and Legal Sufficiency

[Signature]
County Attorney

CITY OF DELRAY BEACH, FLORIDA

ATTEST:
Chanelle D. ...
City Clerk

[Signature]
Jeff Perlman, Mayor

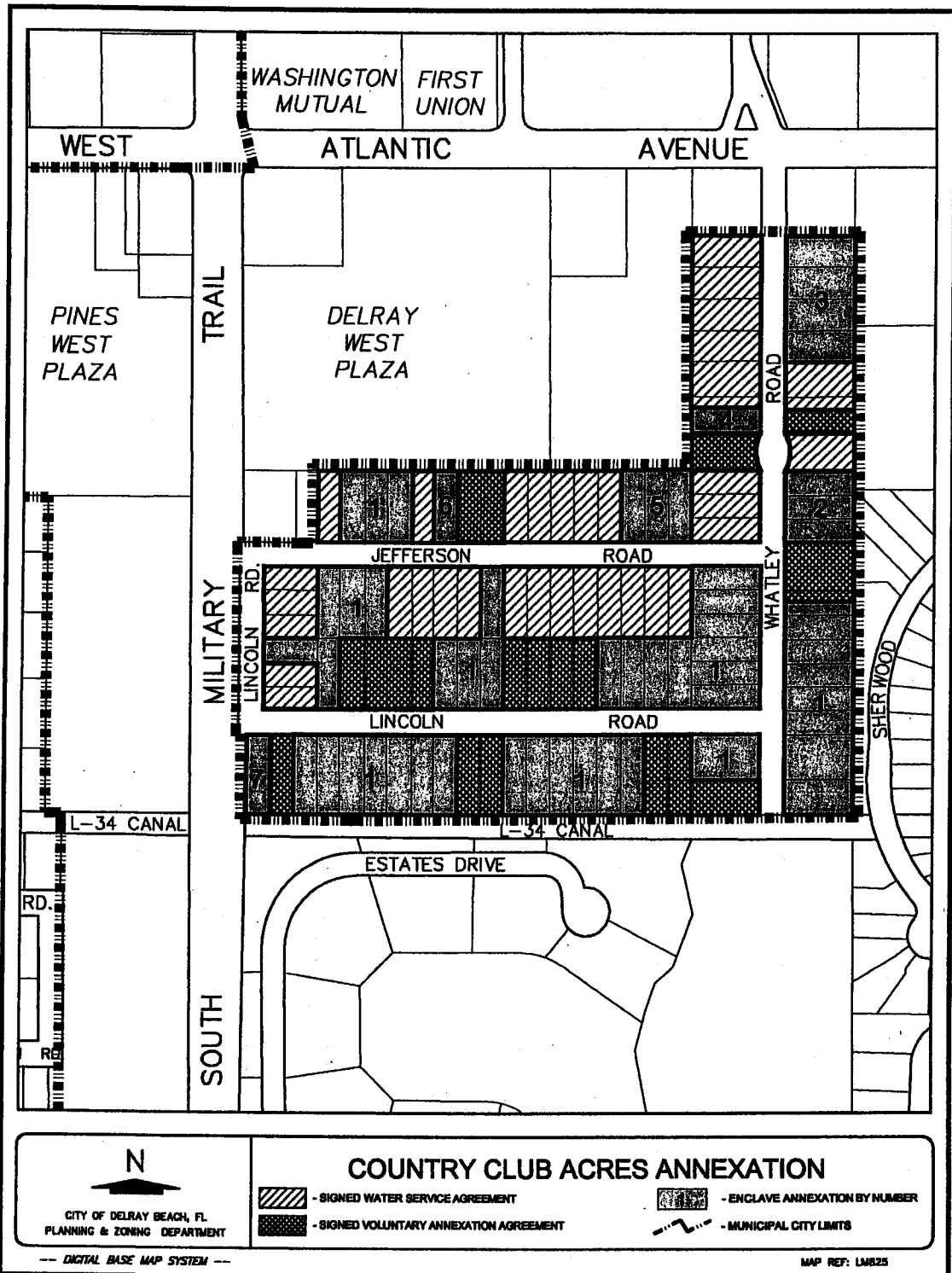
Approved as to Form and Legal Sufficiency

[Signature]
City Attorney

Exhibit A: Interlocal Parcels by Enclave

| Enclave 1 | | | |
|-------------------|-------|--------------------|---|
| PCN | Acres | Property Address | Legal Description |
| 00424613030000980 | 0.17 | Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 98 |
| 00424613030001130 | 0.12 | 4882 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 113 |
| 00424613030000830 | 0.17 | 4817 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 83 |
| 00424613030001150 | 0.10 | Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 115 |
| 00424613030001160 | 0.20 | 4850 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LTS 116 & 117 |
| 00424613030001180 | 0.10 | 4836 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 118 |
| 00424613030000680 | 0.34 | Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LTS 68 & 69 |
| 00424613020000300 | 0.17 | 14977 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 30 |
| 00424613020000331 | 0.24 | 14984 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LOT 33 & S 1/2 OF LT 34 |
| 00424613020000271 | 0.18 | 14959 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD S 5 FT OF LT 27 & LT 28 |
| 00424613030000670 | 0.17 | 4956 Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LT 67 |
| 00424613030000860 | 0.17 | 4845 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 86 |
| 00424613030000990 | 0.17 | Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 99 |
| 00424613030000740 | 0.17 | Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LT 74 |
| 00424613020000240 | 0.17 | 14925 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 24 |
| 00424613020000380 | 0.25 | 14930 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 38 & S 25 FT OF LT 39 |
| 00424613020000250 | 0.17 | 14933 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 25 |
| 00424613030000930 | 0.17 | 4911 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 93 |
| 00424613030000920 | 0.17 | Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 92 |
| 00424613030000910 | 0.17 | 4891 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 91 |
| 00424613020000370 | 0.17 | 14942 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 37 |
| 00424613020000260 | 0.31 | 14947 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 26 & N 45 FT OF LT 27 |
| 00424613030000850 | 0.17 | 4835 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 85 |
| 00424613030000840 | 0.17 | 4827 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 84 |
| 00424613020000341 | 0.41 | 14960 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD N 1/2 OF LT 34 & LTS 35 & 36 |
| 00424613030000590 | 0.17 | 4947 Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LT 59 |
| 00424613030000570 | 0.17 | 4929 Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LT 57 |
| 00424613030001140 | 0.12 | 4880 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 114 |
| 00424613030000580 | 0.17 | 4937 Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LT 58 |
| 00424613020000230 | 0.17 | 14915 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 23 |
| 00424613020000320 | 0.19 | 14988 Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LOT 32 |
| 00424613030001100 | 0.12 | 4910 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 110 |
| 00424613030001050 | 0.15 | 4956 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 105 |
| 00424613030001060 | 0.20 | 4940 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LTS 106 & 107 |
| 00424613030001080 | 0.12 | 4978 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 108 |
| 00424613030001090 | 0.12 | 4920 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 109 |
| 00424613030001040 | 0.12 | 4966 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 104 |
| 6.62 | | | |

| Enclave 2 | | | |
|-------------------|--------------|-------------------------|--|
| PCN | Acres | Property Address | Legal Description |
| 0042461302000440 | 0.17 | Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 44 |
| 0042461302000430 | 0.16 | Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LT 43 |
| 0042461302000420 | 0.16 | Whatley Rd. | COUNTRY CLUB ACRES 1ST ADD LTS 42 & 43 |
| 0.49 | | | |
| Enclave 3 | | | |
| PCN | Acres | Property Address | Legal Description |
| 0042461301000041 | 0.16 | 14828 Whatley Rd. | COUNTRY CLUB ACRES S 50 FT OF LT 4 |
| 0042461301000051 | 0.33 | 14802 Whatley Rd. | COUNTRY CLUB ACRES N 40 FT OF LT 5 & S 60 FT OF LT 6 |
| 0042461301000042 | 0.17 | Whatley Rd. | COUNTRY CLUB ACRES N 20 FT OF LT 4 & S 30 FT OF LT 5 |
| 0042461301000061 | 0.26 | Whatley Rd. | COUNTRY CLUB ACRES N 10 FT OF LT 6 & ALL LT 7 |
| 0.92 | | | |
| Enclave 4 | | | |
| PCN | Acres | Property Address | Legal Description |
| 00424613010000171 | 0.17 | 14855 Whatley Rd. | COUNTRY CLUB ACRES S 50 FT OF LT 17 |
| 0.17 | | | |
| Enclave 5 | | | |
| PCN | Acres | Property Address | Legal Description |
| 00424613030000470 | 0.17 | 4835 Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LT 47 |
| 00424613030000450 | 0.34 | 4823 Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LTS 45 & 46 |
| 0.51 | | | |
| Enclave 6 | | | |
| PCN | Acres | Property Address | Legal Description |
| 00424613030000550 | 0.17 | Jefferson Rd. | COUNTRY CLUB ACRES 2ND ADD LT 55 |
| 0.17 | | | |
| Enclave 7 | | | |
| PCN | Acres | Property Address | Legal Description |
| 00424613030001020 | 0.13 | 4986 Lincoln Rd. | COUNTRY CLUB ACRES 2ND ADD LT 102 (LESS W 5 FT SR 809 RD RW) |
| 0.13 | | | |



N
 CITY OF DELRAY BEACH, FL.
 PLANNING & ZONING DEPARTMENT
 -- DIGITAL BASE MAP SYSTEM --

COUNTRY CLUB ACRES ANNEXATION
 - SIGNED WATER SERVICE AGREEMENT
 - SIGNED VOLUNTARY ANNEXATION AGREEMENT
 - ENCLAVE ANNEXATION BY NUMBER
 - MUNICIPAL CITY LIMITS

MAP REF: LMB25