

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: 10/16/07       Consent       Regular  
    Workshop       Public Hearing

Department:                      Planning, Zoning & Building Department

Submitted By:                  Planning Division

Submitted For:                 Planning Division

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to approve:** an Interlocal Agreement with the Village of Palm Springs providing for the annexation of six enclaves generally located on Park Lane and Dale Road and the annexation of the rights-of-way of Dale Road from Kirk Road to Gulfstream Road, Park Lane from Kirk Road to Gulfstream Road, Reo Lane from L-10 Canal to Park Lane and Canal 9 Road from Kirk Road to Gulfstream Road.

**Summary:** Chapter 171, F.S., allows annexation of enclaves less than 10 acres through an Interlocal Agreement with the annexing municipality and the County. By Resolution No. 2007-60, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of six enclaves identified within the interlocal as Exhibit "A". Each enclave is less than 10 acres in size. The proposed annexations meet the requirements of Chapter 171, F.S., and are consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 3 (RB)

**Background and Policy Issues:** The Village of Palm Springs has identified these enclaves as eligible for annexation pursuant to Section 171.046, F.S., and by Resolution No. 2007-60, and has petitioned the County to enter into an interlocal agreement for the annexation of the enclaves. The enclaves are generally located on Park Lane and Dale Road. The enclaves meet the requirements of Chapter 171, F.S., for annexation by interlocal agreement, as each is less than 10 acres in size, is developed property, and meets the definition of an enclave by being surrounded by the Village and/or a natural or manmade obstacle that allows the passage of vehicular traffic to the enclaves only through the Village. The Village has provided written notice to all owners of real property located in the enclaves, and the enclaves are within the future annexation area of the Village. The annexation is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan, which encourages the elimination of enclaves. Approval of this interlocal agreement also constitutes mutual agreement by the Village and County pursuant to Section 335.0415, F.S., for the transfer of the responsibility for operation and maintenance of the public rights-of-way of Dale Road from Kirk Road to Gulfstream Road, Park Lane from Kirk Road to Gulfstream Road, Reo Lane from L-10 Canal to Park Lane and Canal 9 Road from Kirk Road to Gulfstream Road from the County to the Village.

**Attachments:**

- A. Annexation Location Map
- B. Village of Palm Springs Resolution No. 2007-60 with Interlocal Agreement (to be provided at a later date)

Recommended by: [Signature]                      9/19/07  
   Executive Director                      Date

Approved By: [Signature]                      10/8/07  
   Deputy County Administrator                      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	20_08	20_09	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
Is Item Included In Current Budget?	Yes _____	No _____			
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
		Program _____			

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

**C. Departmental Fiscal Review:** Lois Digesene

**III. REVIEW COMMENTS**

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

There is no fiscal impact associated with this agenda item.

John Dink 9/26/07  
 OFMB  
 9/26/07

Ann J. Faust 9/27/07  
 Contract Dev. and Control  
 9/27/07

**B. Legal Sufficiency:**

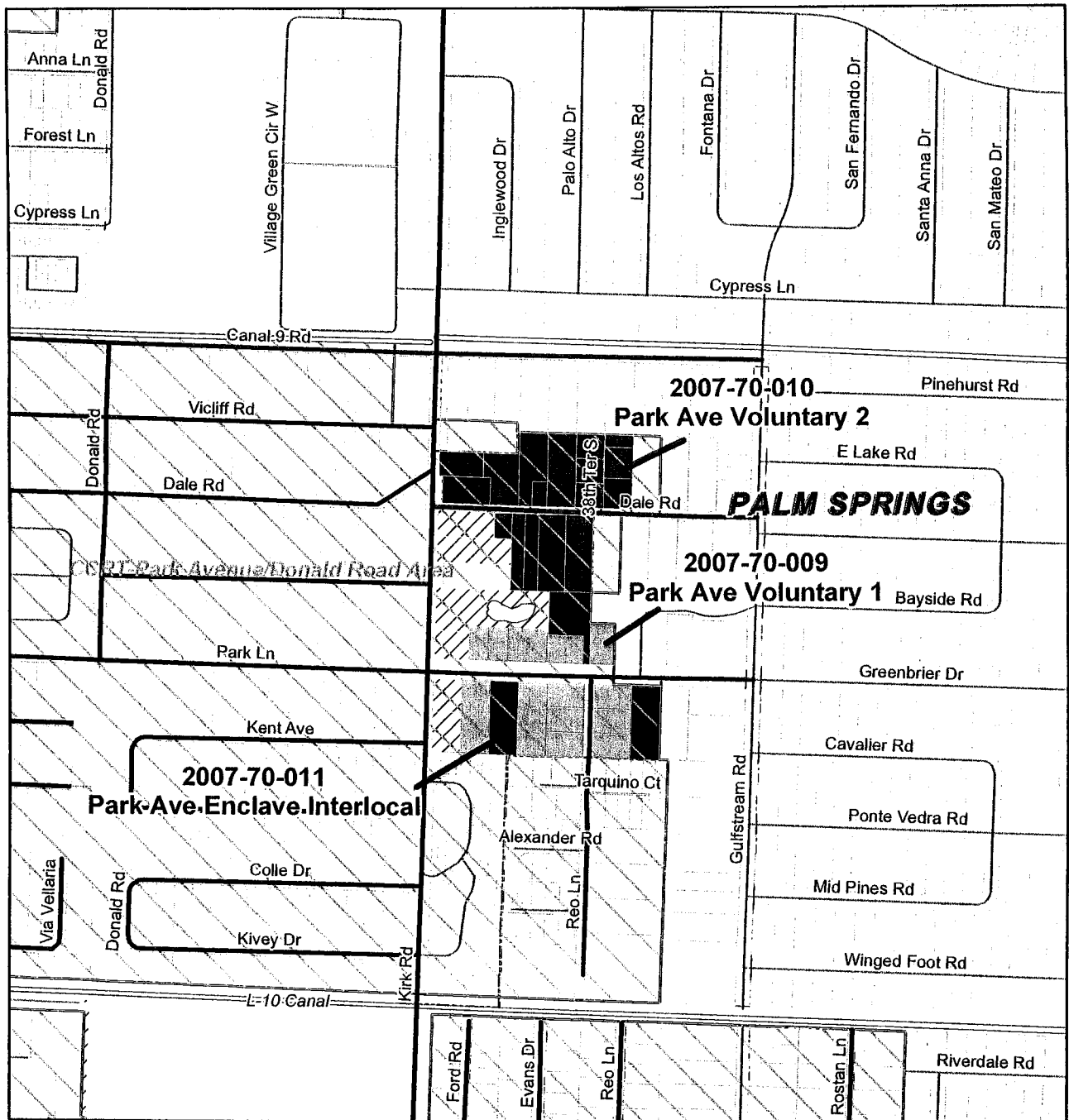
Robert P. R. G.  
 Assistant County Attorney

This Contract complies with our contract review requirements.  
 At the time of OAC's review, the contract was not executed.

**C. Other Department Review:**

William A. Conwell  
 Department Director

# Annexation Location Map



- |  |                             |  |  |
|--|-----------------------------|--|--|
|  | New Voluntary Annexation    |  | Palm Beach County Owned Parcels ROW Maintenance* |
|  | Enclave Interlocal          |  | CCRT Area  |
|  | Pending Annexation          |  | Municipality                                     |
|  | Previous Annexation         |  | Water  |
|  | Failed/Withdrawn Annexation |  | County Maintained                                |
|  |                             |  | State Maintained                                 |
|  |                             |  | Other  |

\*Source: ROW Maintenance Data provided by PBC Engineering Dept 2006 ENGDD8.CMR

Date: 08/08/07  
 Contact: Nicole Delsoin  
 Filename: N:\Division Pr\Annex\FY2007

Note: Map is not official,  
 for informational purposes only

200 0 200 400 Feet

Planning, Zoning  
 & Building

2300 N. Jog Rd.  
 West Palm Beach, FL 33411  
 Phone (561) 233-5300



**RESOLUTION NO. 2007-60**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, ATTACHED HERETO AS EXHIBIT "1", PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING SIX (6) ENCLAVES OF TEN ACRES OR LESS, THOSE LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Palm Springs ("Village") deems it in the best interest of the Village to enter into that certain Interlocal Agreement with Palm Beach County, attached hereto as **Exhibit "1"** for the annexing of six (6) enclaves of property which are ten acres or less; and

**WHEREAS**, the Village wishes to annex those six (6) enclaves of ten (10) acres or less; which are more fully described in **Exhibit "A"** to the Interlocal Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PALM SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1.** The Village of Palm Springs, Florida hereby agrees to the terms and condition of that certain Interlocal Agreement with Palm Beach County, a copy of which is attached hereto as **Exhibit "1"**, and which is incorporated herein by reference, and which is authorized pursuant to Chapter 163.01 and Section 171.046 et seq., Florida Statutes; and further authorizes the Mayor and Village Clerk to execute and deliver said Interlocal Agreement to Palm Beach County along with a certified copy of this Resolution.

**Section 2.** Upon their execution, the Village Clerk shall forthwith cause a certified copy of this Resolution, together with a copy of the said Interlocal Agreement to be filed

Resolution No. 2007-60

with the Clerk of the Circuit Court in and for Palm Beach County, Florida.

**Section 3.** This Resolution shall take effect immediately upon its passage.

Council Member Smith offered the foregoing resolution. Council Member Brinkman seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JOHN M. DAVIS, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BEV SMITH, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHET OSBORNE, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

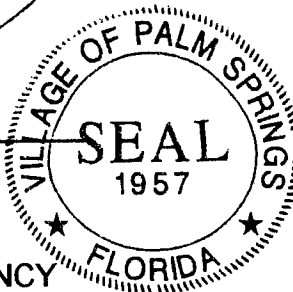
The Mayor thereupon declared the Resolution duly passed and adopted this 13<sup>th</sup> day of ~~AUGUST~~ SEPTEMBER 2007.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: John M. Davis  
JOHN M. "MIKE" DAVIS, MAYOR

ATTEST:

BY: Virginia M. Walton  
VIRGINIA M. WALTON, VILLAGE CLERK



REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: Karen E. Roselli  
KAREN E. ROSELLI, VILLAGE ATTORNEY

## INTERLOCAL AGREEMENT

**THIS INTERLOCAL AGREEMENT** is made on this \_\_\_\_ day of \_\_\_\_\_, 2007 between the VILLAGE OF PALM SPRINGS, a municipal corporation located in Palm Beach County, Florida, hereinafter referred to as "VILLAGE," and PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", each entity constituting a "public agency" as defined in Part 1, Chapter 163, Florida Statutes (2001).

**WHEREAS**, Section 163.01, Florida Statutes (2003), known as the "Florida Interlocal Cooperation Act of 1969," as amended, 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 to thereby provide services and facilities which 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**, Section 18 of Chapter 93-206 of the Laws of Florida created Section 171.046, Florida Statutes, providing for annexation of certain enclaves by entering into an interlocal agreement between the municipality and the county having jurisdiction over such enclave; and

**WHEREAS**, Section 171.046, Florida Statutes, limits annexation by interlocal agreement to enclaves of ten (10) acres or less in size; and

**WHEREAS**, Section 171.031 (13) (a) and (b), as amended by Chapter 93-206, Laws of Florida, 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 passage of vehicular traffic to that incorporated area only through the municipality; and

**WHEREAS**, the County and the Village have determined that it is appropriate and will promote efficient provision of governmental services for the Village to annex certain enclaves; and

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

**WHEREAS**, the enclaves identified for annexation in this Interlocal Agreement are in the Village's future annexation area as provided for in the Village's study for annexation; and

**WHEREAS**, the County and the Village agree that the parcel to be annexed via this Interlocal Agreement is subject to the Land Use Atlas of the Palm Beach County Comprehensive Plan and County zoning and subdivision regulations until the Village adopts a comprehensive plan amendment to include the parcels to be annexed in the 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 the Agreement is to allow annexation by the Village of Palm Springs of certain unincorporated enclaves which are identified in Exhibit "A" attached hereto and made a part hereof:

Section 2. Definitions

The following definition shall apply to this Agreement:

1. The term "enclave" shall be defined as set forth in Section 171.031(13) (a) and (b), Florida Statutes, as adopted by the Legislature in Chapter 93-206, Section 15, laws of Florida.
2. "Act" means Part 1 of Chapter 163, Florida Statutes.

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 enclave identified in Exhibit "A" which is attached hereto and made a part hereof, is hereby annexed into and is included in the corporate boundaries of the Village of Palm Springs.

#### Section 4. Effective Date

This agreement shall take effect upon execution by both parties.

#### Section 5. Filing

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

#### Section 6. Notification

The Village 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 described the purpose of the Interlocal Agreement and stated the date, time, and place of the meeting of the Village Council of the Village of Palm Springs where this Interlocal Agreement is to be considered for adoption. The written notice also indicated the name and telephone number of the Palm Beach County Board of County Commissioners is to consider the adoption of this Interlocal Agreement.

#### Section 7. Captions

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

#### Section 8. Severality

In the event any section, paragraph, sentence, clause, or provision hereof is 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 9. Entire Agreement & Counterparts

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

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

ATTEST:

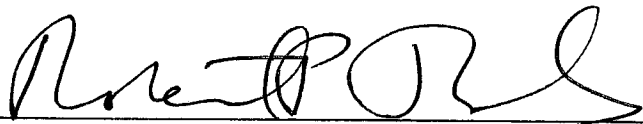
\_\_\_\_\_  
Chairman

By: \_\_\_\_\_

Deputy Clerk

(Seal)

Approved as to Form and Legal Sufficiency



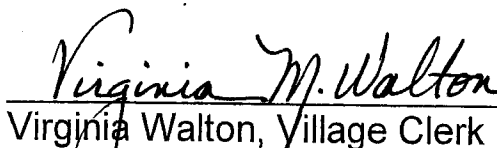
\_\_\_\_\_  
County Attorney

VILLAGE OF PALM SPRINGS

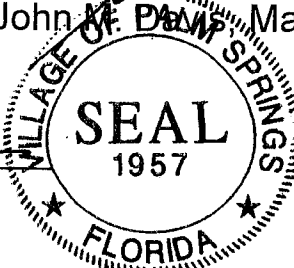
ATTEST:



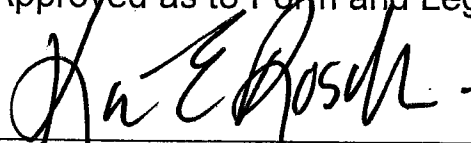
\_\_\_\_\_  
John M. Davis, Mayor

  
Virginia Walton, Village Clerk

(Seal)

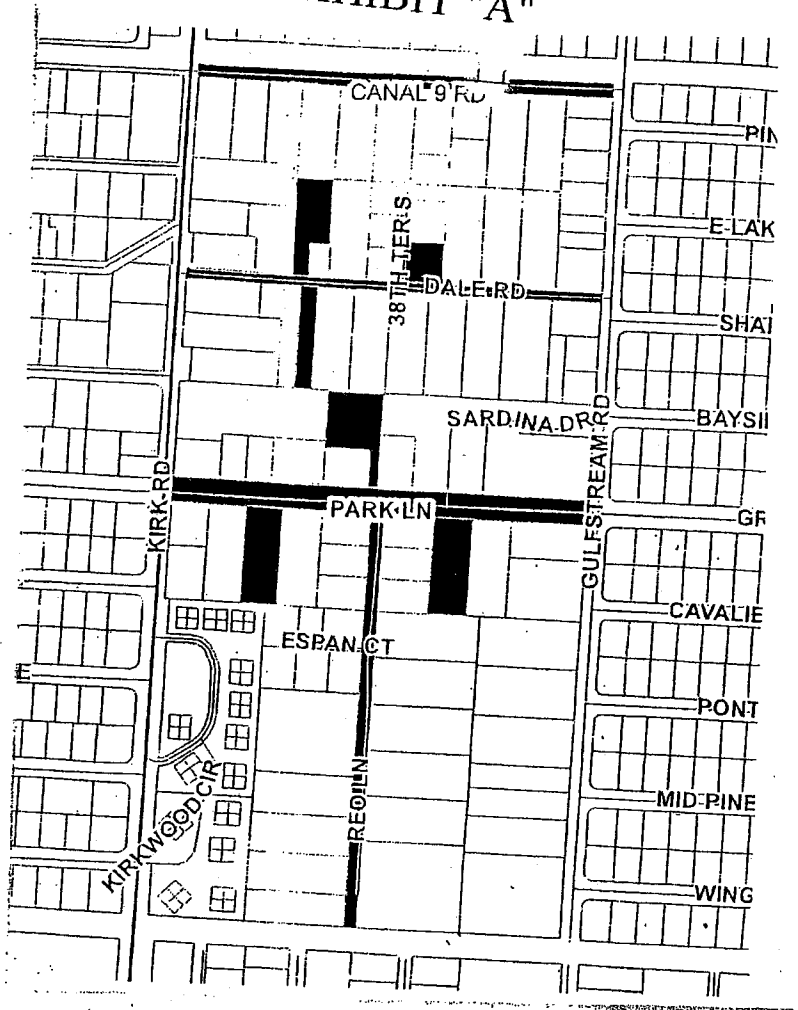


Approved as to Form and Legal Sufficiency



\_\_\_\_\_  
Karen Roselli, Village Attorney

EXHIBIT "A"



00-43-44-18-00-000-7140

3832 Park Lane

.79 Acres

18-44-43, E 121FT of W 952.8FT of  
S 285FT of N 325FT of SW ¼ of SW ¼

00-43-44-18-00-000-7416

3889 Park Lane

.79 Acres

18-44-43, N 295FT of S 335FT of  
E 172.6FT of W 657.6FT of NW ¼ of SW ¼

00-43-44-18-00-000-7760

3932 Park Lane

.79 Acres

18-44-43, E 115FT of W 370FT of

## EXHIBIT "A"

00-43-44-18-00-000-7420

3936 Dale Road

.39 Acres

18-44-43, E 55.3FT of W 435.6FT of  
N 309FT of S 644FT of NW ¼ of SW ¼

00-43-44-18-00-000-7250

3841 Dale Road

.33 Acres

18-44-43, W 115FT of E 630FT of  
S 124.05FT of N 676.4FT of NW ¼ of SW ¼

00-43-44-18-00-000-7300

3831 Dale Road

.65 Acres

18-44-43, W 115FT of E 975FT of  
S 298.3FT of N 676.6FT of NW ¼ of SW ¼

### Right-of-Ways:

Dale Road between Kirk Road east to Gulfstream Road

Park Lane between Kirk Road and Gulfstream Road

Reo Lane between L-10 Canal and Park Lane

Canal 9 Road between Kirk Road and Gulfstream Road