

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: 1/15/08       Consent     Regular  
    Workshop    Public Hearing

Department:                      Planning, Zoning & Building Department

Submitted By:                    Planning Division

Submitted For:                  Planning Division

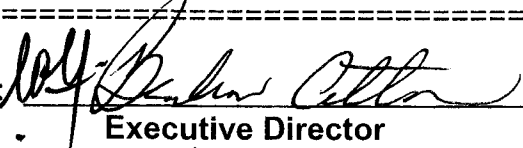
**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: an Interlocal Agreement with the Village of Palm Springs providing for the annexation of ten enclaves generally located on Springfield Ln, Hayden Drive, north of 10 Avenue North, as well as on Gulfstream Rd and Rostan Ln, south of 10<sup>th</sup> Avenue North.

**Summary:** The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. 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. 2007-84, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of ten enclaves identified within the interlocal as Exhibit "A" and Exhibit "B". Each enclave is less than 10 acres in size. The proposed annexation meets the requirements of Chapter 171, F.S., and is 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. 2007-84, and has petitioned the County to enter into an interlocal agreement for the annexation of the enclaves. The enclaves are generally located on Springfield Ln, Hayden Drive, north of 10 Avenue North, as well as on Gulfstream Rd and Rostan Ln, south of 10<sup>th</sup> Avenue North. 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.

- Attachments:**
- A. Annexation Location Map
  - B. Village of Palm Springs Resolution No. 2007-84 and Interlocal Agreement

Recommended by:                       12/11/07  
   Executive Director                                      Date

Approved By:                       1/11/08  
   Deputy County Administrator                                      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	<u>20 08</u>	<u>20 09</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
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>

# ADDITIONAL FTE  
POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_  
Reporting Category \_\_\_\_\_

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

There is no fiscal impact associated with this item.

C. Departmental Fiscal Review: *Paul DeGastino*

**III. REVIEW COMMENTS**

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

*Jan Bunk* 12-14-07  
OFMB  
12/14/07  
CN 12/13/07

*W. Ann J. Jacoby* 12-18-07  
Contract Dev. and Control  
12/17/07

**B. Legal Sufficiency:**

*[Signature]*  
Assistant County Attorney

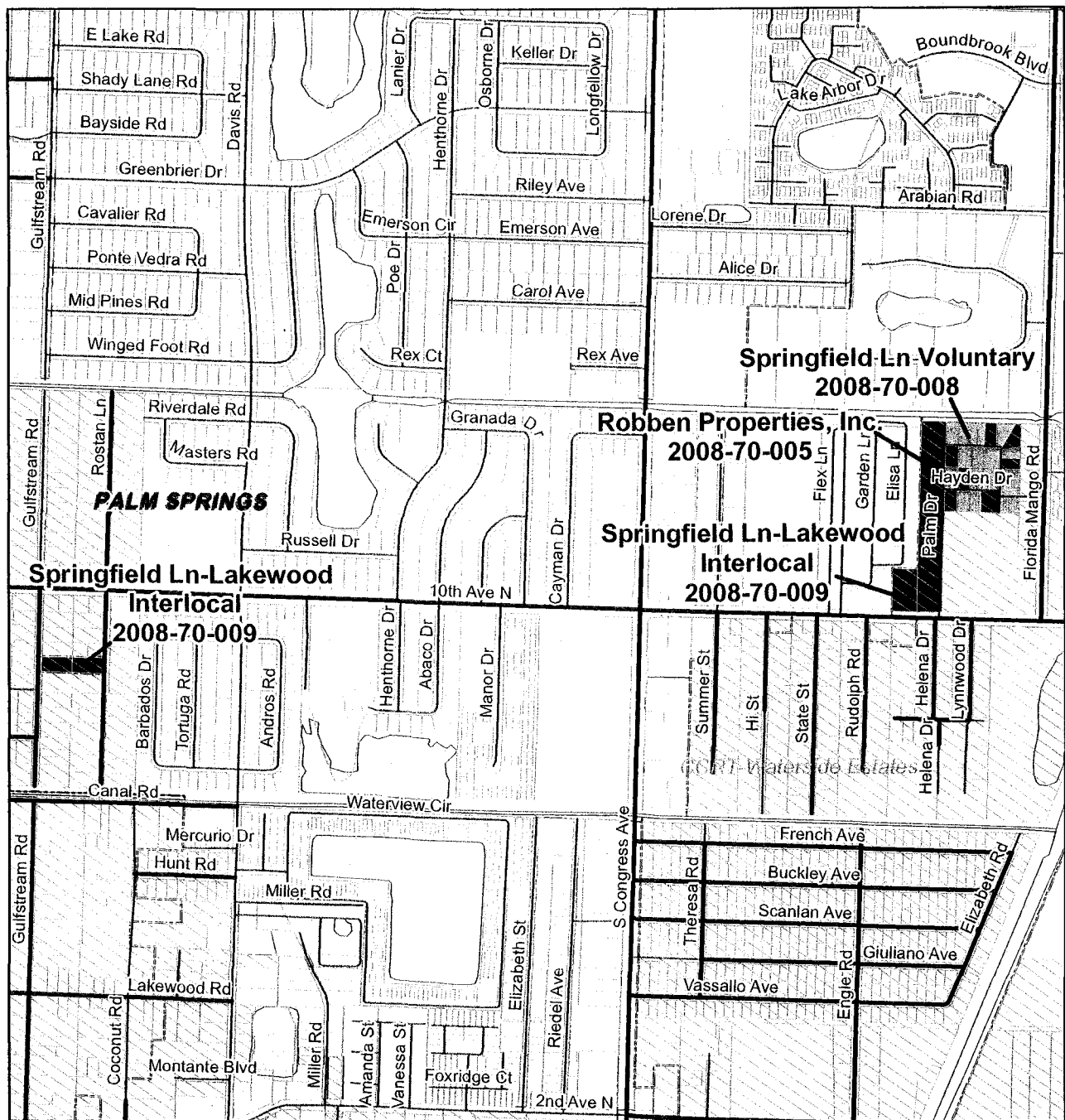
This Contract complies with our contract review requirements.

*At the time of our review, the contract was not executed.*

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

# Annexation Location Map



	Proposed Voluntary Annexations		Palm Beach County Owned Parcels	<b>ROW Maintenance*</b>	
	Proposed Enclaves Interlocal		CCRT Area		County Maintained
	Pending Annexation		Municipality		State Maintained
	Previous Annexation		Water		Other
	Failed/Withdrawn Annexation				

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



Attachment # B

Page 1 of 13



## Village of Palm Springs

### OFFICE OF THE VILLAGE CLERK

226 Cypress Lane, Palm Springs, Florida 33461-1699

561-965-4010 FAX 561-965-0899

[vwalton@villageofpalm Springs.org](mailto:vwalton@villageofpalm Springs.org)

[jworth@villageofpalm Springs.org](mailto:jworth@villageofpalm Springs.org)

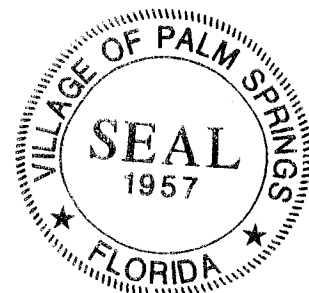
Virginia M. Walton, Village Clerk  
Jane R. Worth, Deputy Clerk

### CERTIFICATE OF TRUE COPY

The undersigned is the Village Clerk of the Village of Palm Springs, Florida, and is the duly authorized records custodian for said Village and hereby certifies this document is a **true and correct copy** of Resolution No. 2007-84, adopted December 13, 2007 by the Village Council, authorizing the Mayor to execute an Interlocal Agreement with Palm Beach County for the annexation of ten (10) enclaves. The original document is on file in the clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Village of Palm Springs, Florida this 14<sup>th</sup> day of December 2007.

By: Virginia M. Walton  
VIRGINIA M. WALTON, CMC  
VILLAGE CLERK



Attachment # B

Page 2 of 13

**RESOLUTION NO. 2007-84**

**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, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXATION OF TEN (10) ENCLAVES OF TEN (10) ACRES OR LESS, THOSE LANDS MORE FULLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B", ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council deems it in the best interest of the Village to enter into that certain Interlocal Agreement with Palm Beach County; and

**WHEREAS**, the Village wishes to annex ten (10) enclaves of ten (10) acres or less; located at 3051, 3060, 3036, 3074 Springfield Drive, 2597, 2723, 2701 Hayden Drive, 2720 10<sup>th</sup> Avenue North, 3342 Gulfstream Road and 3351 Rostan Lane, and being more fully described in **Exhibit "A"** and **Exhibit "B"** to the 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 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.

Attachment # B

Page 3 of 13

Resolution No. 2007-84

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

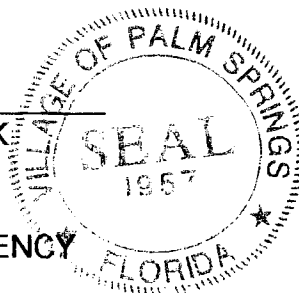
The Mayor thereupon declared the Resolution duly passed and adopted this 13<sup>th</sup> day of DECEMBER 2007.

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: Glen J. Torcivia FOR  
GLEN J. TORCIVIA, VILLAGE ATTORNEY

Attachment # B

Page 4 of 13

EXHIBIT "A"

2723 HAYDEN DRIVE  
00-43-44-20-09-000-0010  
MANGO HEIGHTS UNREC LT 1 & S ½ OF  
HAYDEN DR LYG SLY THEREOF & ADJ THERETO

2701 HAYDEN DRIVE  
00-43-44-20-09-000-0040  
MANGO HEIGHTS UNREC LT 4, S ½ OF  
HAYDEN DR LYG NLY THEREOF & N ½ OF  
SPRINGFIELD DR LYG ELY THEREOF & ADJ THERETO

2720 10<sup>TH</sup> AVENUE NORTH  
00-43-44-20-01-021-0010  
MODEL LAND CO SUB S 313 FT OF W ½ OF TR 21/  
LES S 25 FT RD R/W/

EXHIBIT "B"

0160	0260	0270	0560	0570	
0182	0250		0580		0660
0200	0240		0580		
0050	0230	0602	0601		0630
	0220	0603			
0060	0210				0632
0040					0631
0050	0050	0030			0021
	0030	0041		0040	0020
0020		0060		0040	0050

3342 GULFSTREAM ROAD  
00-43-44-19-13-000-0220  
LAKEWOOD GARDENS PLAT 3 LOT 22

3351 ROSTAN LANE  
00-43-44-19-13-000-0603  
LAKEWOOD GARDENS PLAT 3 S 5 FT  
OF E 1/2 OF LT 60 & LT 61



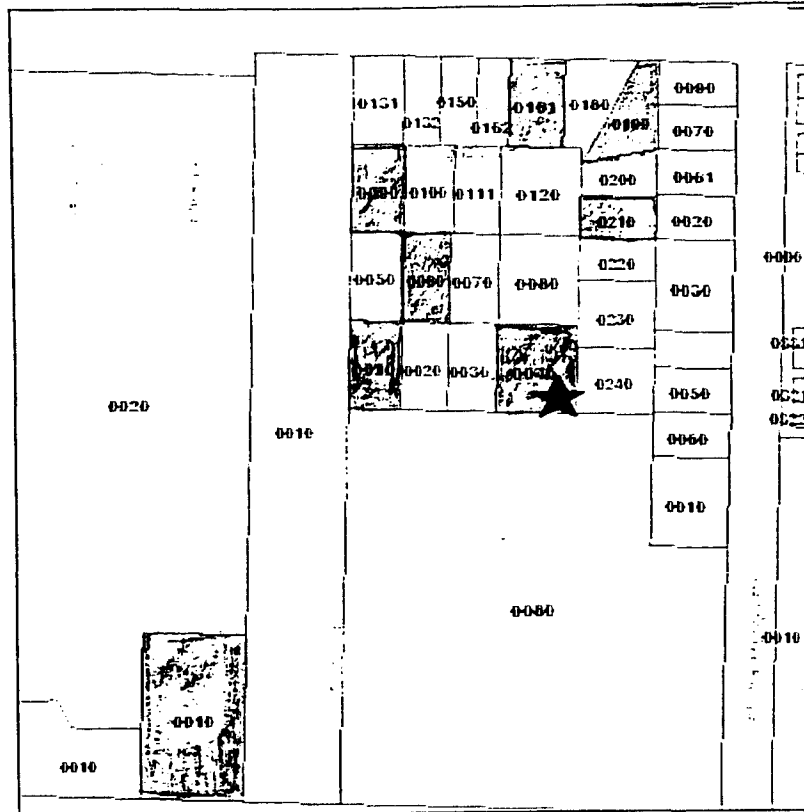


EXHIBIT "A"

3051 SPRINGFIELD LANE  
00-43-44-20-09-000-0161  
MANGO HEIGHTS UNREC E 15 FT OF LT 16, LT 17 & N ½ OF  
SPRINGFIELD DR LYG SLY THEREOF & ADJ THERETO

3060 SPRINGFIELD LANE  
00-43-44-20-09-000-0190  
MANGO HEIGHTS UNREC LT 19 & TH PT OF E ½ OF  
SPRINGFIELD DR LYG SLY THEREOF & ADJ THERETO

3036 SPRINGFIELD LANE  
00-43-44-20-09-000-0090  
MANGO HEIGHTS UNREC LT 9 & S ½ OF  
SPRINGFIELD DR LYG SLY THEREOF & ADJ THERETO

3074 SPRINGFIELD LANE  
00-43-44-20-09-000-0210  
MANGO HEIGHTS UNREC LT 21 & E ½ OF  
SPRINGFIELD DR LYG SLY THEREOF & ADJ THERETO

2597 HAYDEN DRIVE  
00-43-44-20-09-000-0060  
MANGO HEIGHTS UNREC LT 6 & N ½ OF  
HAYDEN DR LYG SLY THEREOF & ADJ THERETO

Attachment # B

Page 7 of 13

## INTERLOCAL AGREEMENT

**THIS INTERLOCAL AGREEMENT** is made on this \_\_\_\_ day of December, 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

Attachment # B

Page 8 of 13

**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" and Exhibit "B" 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.

Attachment # B

Page 9 of 13

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 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.

ATTEST:  
SHARON R. BOCK, Clerk &  
Comptroller

PALM BEACH COUNTY, FLORIDA, a  
Political Subdivision of the State of Florida

BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

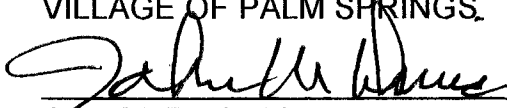
By: \_\_\_\_\_  
Addie L. Greene, Chairperson

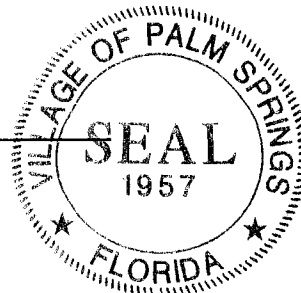
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
Assistant County Attorney

VILLAGE OF PALM SPRINGS

ATTEST:

  
John M. Davis, Mayor



  
Virginia Walton, Village Clerk

(Seal)

Approved as to Form and Legal Sufficiency

  
Glen Torcivia, Village Attorney

Attachment # B

Page 10 of 13

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" and Exhibit "B" 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" and Exhibit "B" 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.

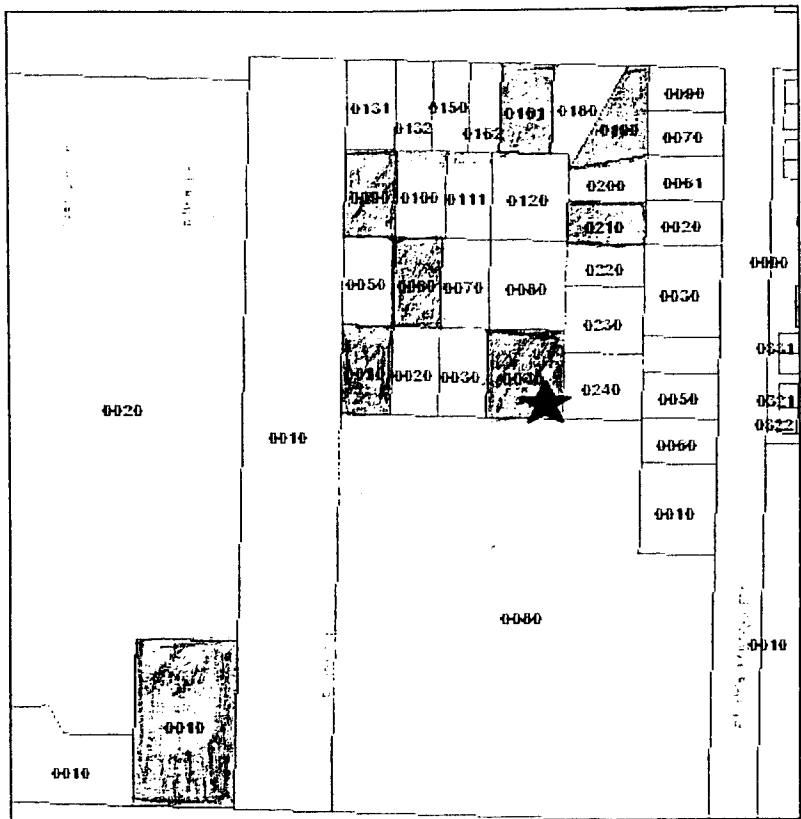


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00-43-44-20-09-000-0090  
MANGO HEIGHTS UNREC LT 9 & S 1/2 OF  
SPRINGFIELD DR LYG SLY THEREOF & ADJ THERETO

3074 SPRINGFIELD LANE  
00-43-44-20-09-000-0210  
MANGO HEIGHTS UNREC LT 21 & E 1/2 OF  
SPRINGFIELD DR LYG SLY THEREOF & ADJ THERETO

2597 HAYDEN DRIVE  
00-43-44-20-09-000-0060  
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Attachment # B

Page 12 of 13

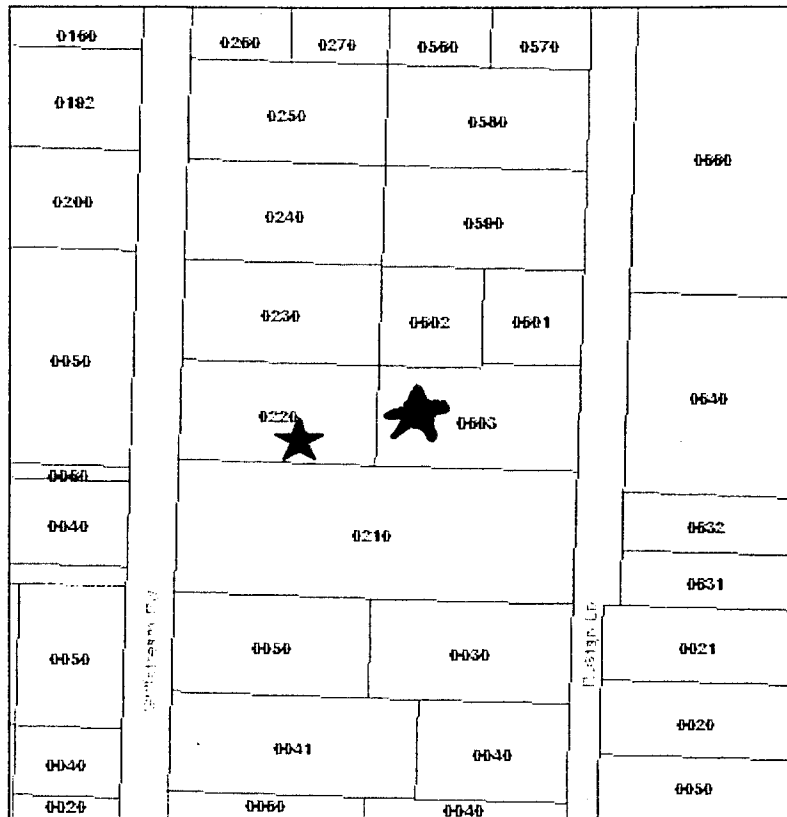
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2701 HAYDEN DRIVE  
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MANGO HEIGHTS UNREC LT 4, S ½ OF  
HAYDEN DR LYG NLY THEREOF & N ½ OF  
SPRINGFIELD DR LYG ELY THEREOF & ADJ THERETO

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00-43-44-20-01-021-0010  
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EXHIBIT "B"



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