

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>20_09</u>	<u>20_10</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
# 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 funding associated with this annexation. Approval of this item will allow annexation of these parcels. Since these parcels are developed it's unlikely there will be any Fiscal impact in the future.

C. Departmental Fiscal Review: *Paul D'Agostino*

III. REVIEW COMMENTS

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

<p><i>M. J. [Signature]</i> 7/13/09 _____ 7/29/09 OFMB</p>	<p><i>[Signature]</i> 7/31/09 _____ Contract Dev. and Control 6/30/09 7/30/09</p>
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This Contract complies with our contract review requirements.

B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. 2009-19

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF GREENACRES AND PALM BEACH COUNTY, PURSUANT TO CHAPTER 171.046, FLORIDA STATUTES, PROVIDING FOR THE ANNEXATION OF ONE ENCLAVE TOTALING APPROXIMATELY 1.4 ACRES LOCATED APPROXIMATELY 130 FEET NORTH OF LAKE WORTH ROAD AND APPROXIMATELY 330 FEET WEST OF WOODLAKE BLVD AT 3927 AND 3949 HARMONY DRIVE; PROVIDING FOR TRANSMITTAL TO THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS FOR SUBSEQUENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Chapter 171.046, Florida Statutes, 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, defines enclaves as developed or improved property enclosed within and bounded on all sides by a single municipality, or enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the municipality; and

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

WHEREAS, the enclave identified herein is within the future annexation area of the City of Greenacres as set forth in the Annexation Element of the Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with the Land Development Staff Report and Recommendation dated July 13, 2009, attached hereto as Exhibit "2" and by this reference made a part hereof, the proposed annexation of the subject properties is in the best interest of the citizens of the City of Greenacres, and is in accordance with State and local law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The City Council of the City of Greenacres hereby approves the Interlocal Agreement (incorporated and attached herein as Exhibit "1") with Palm Beach County for the annexation of one enclave totaling approximately 1.4 acres located approximately 130 feet north of Lake Worth Road and approximately 330 feet west of Woodlake Boulevard.

Section 2. The City Council of the City of Greenacres hereby authorizes the appropriate City officials to execute the Agreement on behalf of the City of Greenacres and to do all things necessary to effectuate the terms of the Agreement. The City Manager and City Attorney are hereby authorized to make any non-substantive changes to the Interlocal Agreement necessary to effectuate the terms authorized herein.

Section 3. Upon execution of the Interlocal Agreement, the City Clerk is hereby directed and authorized to transmit sufficient copies of same to the appropriate officials of Palm Beach County for the County's consideration and execution.

Section 4. This resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this 20th of July, 2009.


Voted



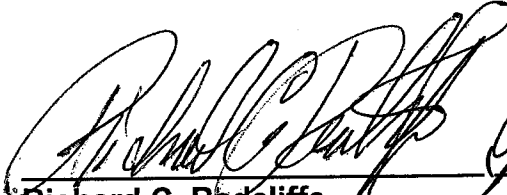
Samuel J. Ferreri
Mayor

~~ABSENT~~ _____ (—)
Charles E. Shaw
Deputy Mayor

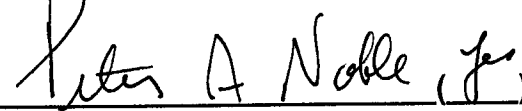
Attest:



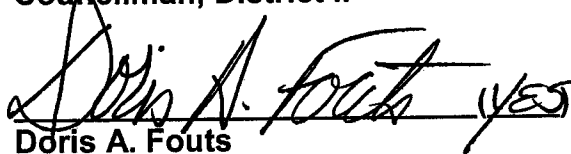
Sondra K. Hill
City Clerk

 Yes

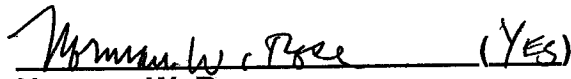
Richard C. Radcliffe
Councilman, District I

 (Yes)

Peter A. Noble
Councilman, District II

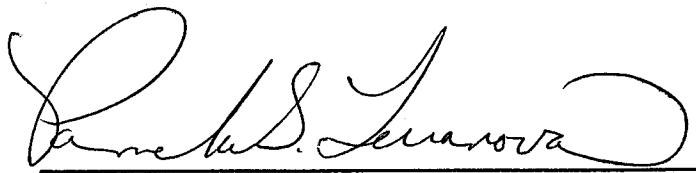
 YES

Doris A. Fouts
Councilwoman, District IV

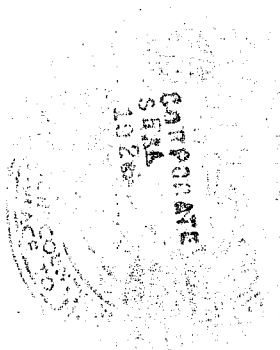
 (YES)

Norman W. Rose
Councilman, District V

Approved as to Form and Legal Sufficiency:



Pamela S. Terranova
City Attorney



	LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION
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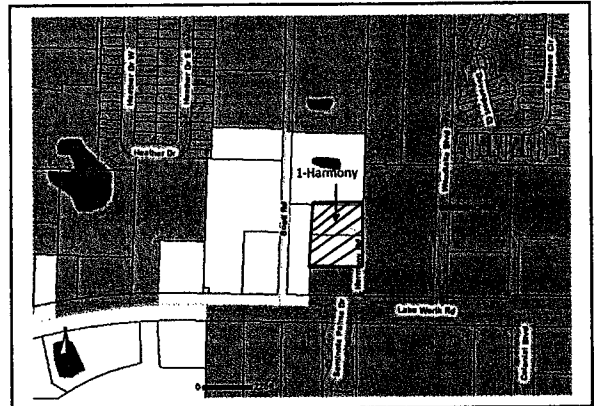
I. Project Description:

Project: 2009 Enclave Interlocal Annexation

Petitioner: The City of Greenacres
Planning and Engineering Dept.
5800 Melaleuca Lane
Greenacres, FL 33463

Request: Approval of an Interlocal Agreement with Palm Beach County per Chapter 171.046(2)(a) F.S. for the Annexation of one (1) enclave

Locations: Approximately 130 feet north of Lake Worth Road and approximately 330 feet west of Woodlake Boulevard at 3927 and 3949 Harmony Drive.



II. Site Data:

Enclave "1":

Property Data: See Exhibit A

Size: 1.4 acres

III. Annexation/Zoning History:

The subject properties are currently in unincorporated Palm Beach County and are considered to be enclaves in accord with Chapter 171.031(13)(a) and (b); being enclosed within and bounded on all sides by the City or enclosed within and bounded by the City and a natural or manmade obstacle which allows vehicular traffic to them only by passing through the City.

IV. Applicable Comprehensive Plan Provisions:

Annexation Element:

Objective 1, page ANX 19--	addresses efficiency, concurrency and levels of service (LOS).
Objective 1, Policy c), page ANX 19--	prohibits creating enclaves, or pocket areas which are not reasonably compact.
Objective 2, page ANX 19--	encourages orderly annexation in the future annexation boundaries through coordination with adjacent municipalities

and Palm Beach County.

Objective 4, page ANX 20--

supports annexations which are deemed necessary to promote the orderly growth of the City and will not adversely impact the City's ability to fulfill other plans.

Objective 4, Policy a), page ANX 20--

outlines six guidelines for annexations.

V. Applicable City Code and Statutory Provisions:

**Article III, Section 10 of the City Charter relating to annexation
Sec. 16-4 of the City Code relating to zoning of annexed areas
Chapter 171, Florida Statutes relating to annexation**

VI. Staff Analysis:

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff on May 14 and May 21, 2009. The petition was recommended for approval.

Planning and Engineering Dept.:	Incorporated into report
Building Department:	No objections
Public Safety Department:	No objections
Public Works Department:	No objections

Background:

The approximately 1.4 total acres proposed for annexation are contiguous to the City, and the identified enclave is 10 acres or less in size. Access to the enclave is through the parking lot of Jog Lake Plaza in the City. In accord with the provisions of Chapter 171.046(2)(a), enclaves 10 acres or less in size may be annexed through an Interlocal Agreement between the City and the County. The proposed annexation will eliminate an existing enclave and reduce an existing unincorporated pocket.

With goals of improving service delivery efficiency and reducing jurisdictional confusion, in the Fall of 2007 Palm Beach County and Greenacres set out to close out all existing enclaves in the City less than 10 acres. The Interlocal Agreement (ANX-07-05) encompassed 17 enclaves totaling 52.61 acres and was approved on November 19, 2007 (City) and December 18, 2007 (County). The subject enclave was inadvertently left out of this comprehensive process and would have been included if it had been identified at the time.

The property data list (Exhibit A) contains the address, owner name, legal description, existing future land use designation, existing zoning designation, apparent existing use, and taxable value for each parcel. The list also contains a calculation of the property tax increase due to annexation based on deletion of the PBC Fire Rescue FY 2009 MSTU millage of 2.9500 and addition of the City's total FY 2009 millage of 4.7022 (a net increase in millage of 1.7522). City Future Land Use and Zoning designations will be applied to the properties through a separate process in the near future.

Annexation Findings of Fact:

The proposed annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The parcels are contiguous to the City and are within the boundaries of the Future Annexation Area in the Annexation Element of the Comprehensive Plan.

In addition, the following six guidelines, as specified in Objective 4(a) on page 20 of the Annexation Element within the Comprehensive Plan, must be addressed. The guidelines apply to both City initiated and voluntary annexations.

Specific Criteria Findings:

In all future annexation requests, the City shall be guided by the following:

- (1) **The area in question must meet statutory requirements pertaining to contiguity, compactness and irregular shape.**

Findings: The annexation petition is consistent with the provisions in Chapter 171, F.S., specifically because the subject properties are rectangular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries. In addition, the petition is consistent with Chapter 171.046(2)(a) because the identified enclave is 10 acres or less in size.

- (2) **The petitioned area must have "a unity of interests with the City" and be "a logical extension" of the City's boundaries.**

Findings: The subject properties have "a unity of interests with the City" and are "a logical extension" of the City of Greenacres' boundaries. The properties are identified as part of the Future Annexation Area in the City's Comprehensive Plan and the annexation of this area will allow the City to eliminate the existing enclave which is consistent with the intent of both the City's Comprehensive Plan and Florida Statutes.

- (3) **The area shall have a growth potential sufficient to warrant the extension of services.**

Findings: The area has a growth potential sufficient to warrant the extension of services. Development and redevelopment activity is taking place in the immediate vicinity and adjacent properties within the City are already receiving City services. Since the properties proposed for annexation are contiguous to the City and within existing enclaves, there will be minimal effect upon infrastructure and services provided within the City.

- (4) **The deficit of income against expense to the City shall not be unreasonable.**

Findings: The annexation of the subject properties will not create an unreasonable expense or burden upon the City of Greenacres. Since the subject properties are contiguous to developed parcels already in the City, and they are located in an existing enclave, their annexation will not adversely affect the City's overall level of service, nor will it substantially increase costs to the City to warrant the annexation unreasonable. The City will also be provided with revenue from the property taxes of the subject properties and the elimination of an enclave will improve service delivery efficiency.

- (5) **The advantages both to the City of Greenacres and to the petitioned area must outweigh the disadvantages.**

Findings: The advantages to both the City of Greenacres and the proposed annexation area outweigh any potential disadvantages. The City will benefit by annexing land that is currently identified in the future annexation area and implementing goals, objectives and policies of the Annexation Element of the Comprehensive Plan to eliminate enclaves. Further, the annexation of the subject properties will allow the City to improve the identity of the area as being part of Greenacres and improve service delivery efficiency for the City and Palm Beach County. Greenacres' Public Safety Department stations are located closer to the site than existing Palm Beach County Fire Rescue stations and are already providing services in the area.

- (6) **The City of Greenacres must be willing and able to provide City services as well as ensure that services provided by Palm Beach County are furnished to the newly annexed area within a reasonable time.**

Findings: The City of Greenacres will be able to provide City services to the subject properties without degrading any established levels of service, since the City is already providing governmental services to other developments along Lake Worth Road, in the immediate area of the subject parcels. Through the zoning change and site plan approval processes, any new development proposed for the properties must demonstrate that services can be provided at the established Level of Service.

Summary of Annexation Criteria:

The proposal meets all of the guidelines specified in the City's Comprehensive Plan and Chapter 171 of the Florida Statutes for the annexation of property. It is a logical extension of the City's boundaries in locations identified as part of the City's future annexation area and will eliminate an existing enclave identified by the County.

VII. Staff Recommendation:

Approval of ANX-09-01 through the adoption of Resolution 2009-19 authorizing execution of an Interlocal Agreement with Palm Beach County.

CITY COUNCIL ACTION Adoption Hearing – July 20, 2009

The City Council, on a motion made by Councilman Noble and seconded by Councilman Radcliffe, voting four (4) to zero (0), **approved** ANX-09-01 (2009 Enclave Interlocal), through **Greenacres Resolution 2009-19**, as presented by staff.

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS' ACTION
August 18, 2009**



Samuel J. Ferreri, Mayor

Attest:



Sondra K. Hill, City Clerk

Attachment:

1. Resolution 2009-19
2. Interlocal Agreement (Exhibit 1)
3. Property Data List (Exhibit A)
4. Location Map

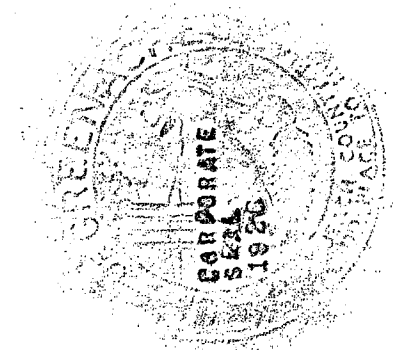


EXHIBIT "1"

THIS INTERLOCAL AGREEMENT is made on this ____ day of _____, 2009 between the CITY OF GREENACRES, a municipal corporation located 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 entity constituting a "public agency" as defined in Part 1, Chapter 163, Florida Statutes (2008).

WHEREAS, Section 163.01, Florida Statutes (2008), known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments and public agencies 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 171.046, Florida Statutes (2008), provides for annexation of certain enclaves by interlocal agreement between the annexing municipality and the County having jurisdiction of the enclave; and

WHEREAS, Section 171.046, Florida Statutes (2008), limits annexation by interlocal agreement to enclaves of ten (10) acres or less in size; and

WHEREAS, Section 171.031 (13) (a) and (b), Florida Statutes (2008), defines enclaves as unincorporated 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 unincorporated area only through the municipality; and

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 enclaves; and

WHEREAS, the parcels to be annexed via this Interlocal Agreement meet the requirements set out in Section 171.031 (13) (a) and (b) and 171.046, Florida Statutes (2008), as such enclave is developed or is improved, is ten (10) acres or less in size, and is completely surrounded by the City or is bounded by the City and a natural or manmade obstacle that allows passage of vehicular traffic to the enclave only through the City; and

WHEREAS, the enclave identified for annexation in this Interlocal Agreement is 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 into 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 the Agreement is to annex the unincorporated enclave, identified in Exhibit "A", attached hereto and made a part hereof, into the City's municipal boundaries.

Section 2. Definitions

The following definitions apply to this agreement:

1. The term "enclave" shall be defined as set forth in Section 171.031 (13) (a) and (b), Florida Statutes (2008).
2. "Act" means Part 1 of Chapter 163, Florida Statutes (2008).
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 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 City.

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 the Circuit Court in and for Palm Beach County.

Section 6. Notification

The City hereby acknowledges that it has provided written notice to all owners of real property located in the enclave 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 in the City 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 staff person to contact regarding the date, time, and place when 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. Severability

In the event a court of competent jurisdiction hereof holds any section, paragraph, sentence, clause, or provision to be invalid, such holding 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, representations, or agreements, 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 together shall constitute one and the same instrument.

ATTEST:

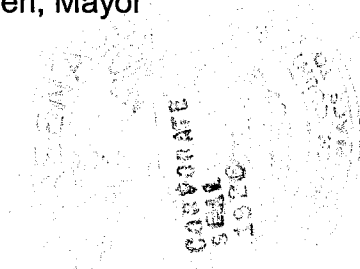
CITY OF GREENACRES, FLORIDA

By: *Sondra K. Hill*
Sondra K. Hill, City Clerk

By: *[Signature]*
Samuel J. Ferreri, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *Pamela S. Terranova*
Pamela S. Terranova, City Attorney



ATTEST:

PALM BEACH COUNTY, FLORIDA
By Its Board of County Commissioners

By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *[Signature]*
Robert Banks, Assistant County Attorney

