

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: 11/3/09      ☐ 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 two enclaves generally located on the north and south sides of Dale Road, west of Kirk Road, and the transfer of the responsibility for operation and maintenance of the right-of-way segment of Dale Road from Donald Road east to Kirk Road from the County to the Village.

**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 between the annexing municipality and the County. By Resolution No. 2009-58, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of two enclaves identified within the interlocal as Exhibit "A", which has been amended by resolution No. 2009-76 due to an update to the map. The enclaves resulted from a voluntary annexation adopted concurrently with this interlocal agreement. The enclaves are 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 the enclaves as eligible for annexation pursuant to Section 171.046, F.S., and, by Resolution No. 2009-58, adopted on September 10, 2009, has petitioned the County to enter into an interlocal agreement for the annexation of the enclaves. They are generally located on the north and south sides of Dale Road, west of Kirk Road. The enclaves meet the requirements of Chapter 171, F.S., for annexation by interlocal agreement, as each one 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 enclave only through the Village. The Village has provided written notice to all owners of real property located in the enclaves. The proposed 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 right-of-way of Dale Road from Donald Road east to Kirk Road from the County to the Village.

**Attachments:**

1. Interlocal Agreement
2. Village of Palm Springs Resolution No. 2009-58 & 2009-76
3. Annexation Location Map

Recommended by: \_\_\_\_\_

Executive Director

Date

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

Deputy County Administrator

Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	* See below	_____	_____

# 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 interlocal agreement will allow annexation of these parcels. Since these parcels are developed its unlikely there will be any Fiscal impact in the future.

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

## III. REVIEW COMMENTS

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

\* Net Fiscal Impact is indeterminable at this time.

W. S. L. 10/12/09  
10/13/09 OFMB CN 10/12/09

D. S. Jacobson 10/13/09  
Contract Dev. and Control 10/13/09

### B. Legal Sufficiency:

[Signature]  
Assistant County Attorney

This Contract complies with our  
contract review requirements.

### C. Other Department Review:

[Signature]  
Department Director

## **INTERLOCAL AGREEMENT**

**THIS INTERLOCAL AGREEMENT** is made on this \_\_\_\_ day of \_\_\_\_\_, 2009 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 (2008).

**WHEREAS**, Section 163.01, Florida Statutes (2008), 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 enclaves; 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 in the Municipal Services Area defined in the Joint Planning Agreement between the Village of Palm Springs and Palm Beach County; and

**WHEREAS**, the County and the Village 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 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 of Rights-of-Way

Palm Beach County hereby consents to the annexation of the right-of-way segments identified in Exhibit "A" into the corporate boundaries of the Village of Palm Springs.

#### Section 4. Transfer of Ownership of Rights-of-Way

Approval of this interlocal agreement by both parties constitutes mutual agreement by the Village and County pursuant to Section 335.0415, Florida Statutes, to the transfer of the responsibility for operation and maintenance of the right-of-way segments identified in Exhibit "A" from the County to the Village. Such transfer shall occur upon the effective date of the annexation of the right-of-way segments identified in Exhibit "A".

#### Section 5. Annexation

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

#### Section 6. Effective Date

This agreement shall take effect upon execution by both parties.

#### Section 7. 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 8. 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 staff person to contact regarding the date, time, and place when the Board of County Commissioners is to consider the adoption of this Interlocal Agreement.

#### Section 9. Captions

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

Section 10. Severability

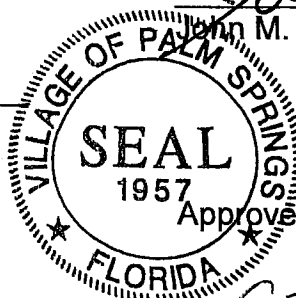
In the event any section, paragraph, sentence, clause, or provision hereof is held by a court of competent jurisdiction to be invalid, such shall not affect the remaining portions of this Agreement, and the same shall remain in full force and effect.

Section 11. 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.

ATTEST:

Virginia M Walton  
Virginia Walton, Village Clerk  
(Seal)



VILLAGE OF PALM SPRINGS

John M. Davis  
John M. Davis, Mayor

Approved as to Form and Legal Sufficiency

Glen Torcivia For  
Glen Torcivia, Village Attorney

ATTEST:

SHARON R. BOCK, Clerk &  
Comptroller

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

Robert P. Banks  
Robert P. Banks, Assistant County Attorney

[illegible]

## Exhibit "A"

**RESOLUTION NO. 2009-58**

**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 ANNEXING TWO (2) ENCLAVES CONSISTING OF A TOTAL OF FOUR (4) PARCELS, OF TEN ACRES OR LESS, AND THE ROAD RIGHT-OF-WAY, 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 for the annexing of two (2) enclaves consisting of a total of four (4) parcels consisting of a total of one (1) acre and the road right-of-way; and

**WHEREAS**, the Village wishes to annex the four (4) parcels, consisting of a total of one(1) acre and the road-right-of-way; which are more fully described in **Exhibit "A"** to the Interlocal Agreement.

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

**Section 1.** The Village of Palm Springs, Florida hereby agrees to the terms and conditions of that certain Interlocal Agreement with Palm Beach County, a copy of which is attached hereto 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.

Resolution No. 2009-58

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

Council Member Gunther offered the foregoing resolution. Council Member Smith 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"/>
PATTI WALLER, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BEV SMITH, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the Resolution duly passed and adopted this 10<sup>th</sup> day of AUGUST 2009.



VILLAGE OF PALM SPRINGS, FLORIDA

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

ATTEST:

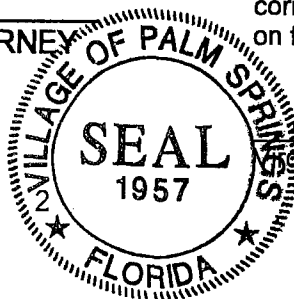
BY: Virginia M. Walton  
VIRGINIA M. WALTON, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH  
VILLAGE OF PALM SPRINGS

I hereby certify that this is a true and correct copy of the original document on file in my office.



Virginia M. Walton  
Virginia M. Walton, CMC, Village Clerk



# VILLAGE OF PALM SPRINGS

Dale Road Involuntary Annexation

Exhibit "A"



 Village Limits  
 Involuntary

0 125 250 500 Feet

DATE: 7/25/2009



[illegible]

## Exhibit "A"

**RESOLUTION NO. 2009-76**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE MAP ATTACHED AS EXHIBIT "A" TO THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING TWO (2) ENCLAVES CONSISTING OF A TOTAL OF FOUR (4) PARCELS, OF TEN ACRES OR LESS, AND THE ROAD RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council adopted Resolution No. 2009-58 on September 10, 2009, authorizing the Mayor to execute an Interlocal Agreement with Palm Beach County for annexing two (2) enclaves consisting of a total of four (4) parcels consisting of a total of one (1) acre and the road right-of-way, and attached a map and legal descriptions as **Exhibit "A"** to the agreement; and

**WHEREAS**, the resolution and agreement were transmitted to Pam Beach County for approval by the Board of County Commissioners; and

**WHEREAS**, the County Staff has requested a revised map more clearly showing the right-of-way as a shaded area; and

**WHEREAS**, the Village wishes to amend the map, which revised map is attached hereto as "Amended Exhibit A", in order to finalize this Interlocal agreement to the mutual satisfaction of both parties.


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

**Section 1.** The Village of Palm Springs, Florida hereby amends the Exhibit "A" map attached to the Interlocal Agreement with Palm Beach County adopted by Resolution No. 2009-58 on September 10, 2009, a copy of the "Amended Exhibit A Map" is attached hereto and which is incorporated herein by reference; and further authorizes the Village Clerk to deliver the "**Amended Exhibit A Map**" to Palm Beach County, along

with a certified copy of this Resolution.

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

The Mayor thereupon declared the Resolution duly passed and adopted this 24<sup>th</sup> day of SEPTEMBER 2009.

BY:   
JOHN M. "MIKE" DAVIS, MAYOR

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

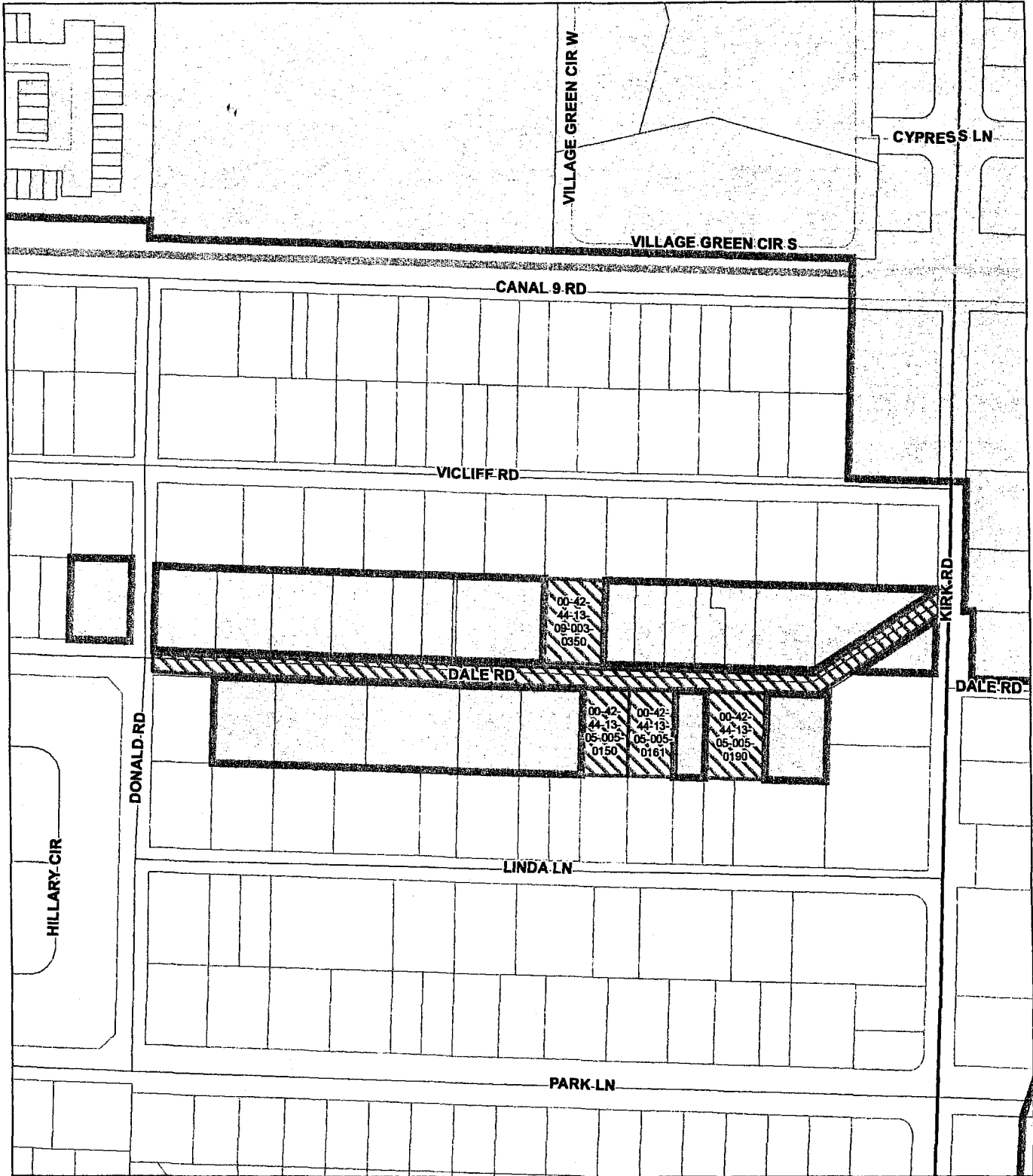
I hereby certify that this is a true and correct copy of the original document on file in my office.

Virginia M. Walton, CMC, Village Clerk

# VILLAGE OF PALM SPRINGS

Dale Road Interlocal Agreement

Exhibit "A"



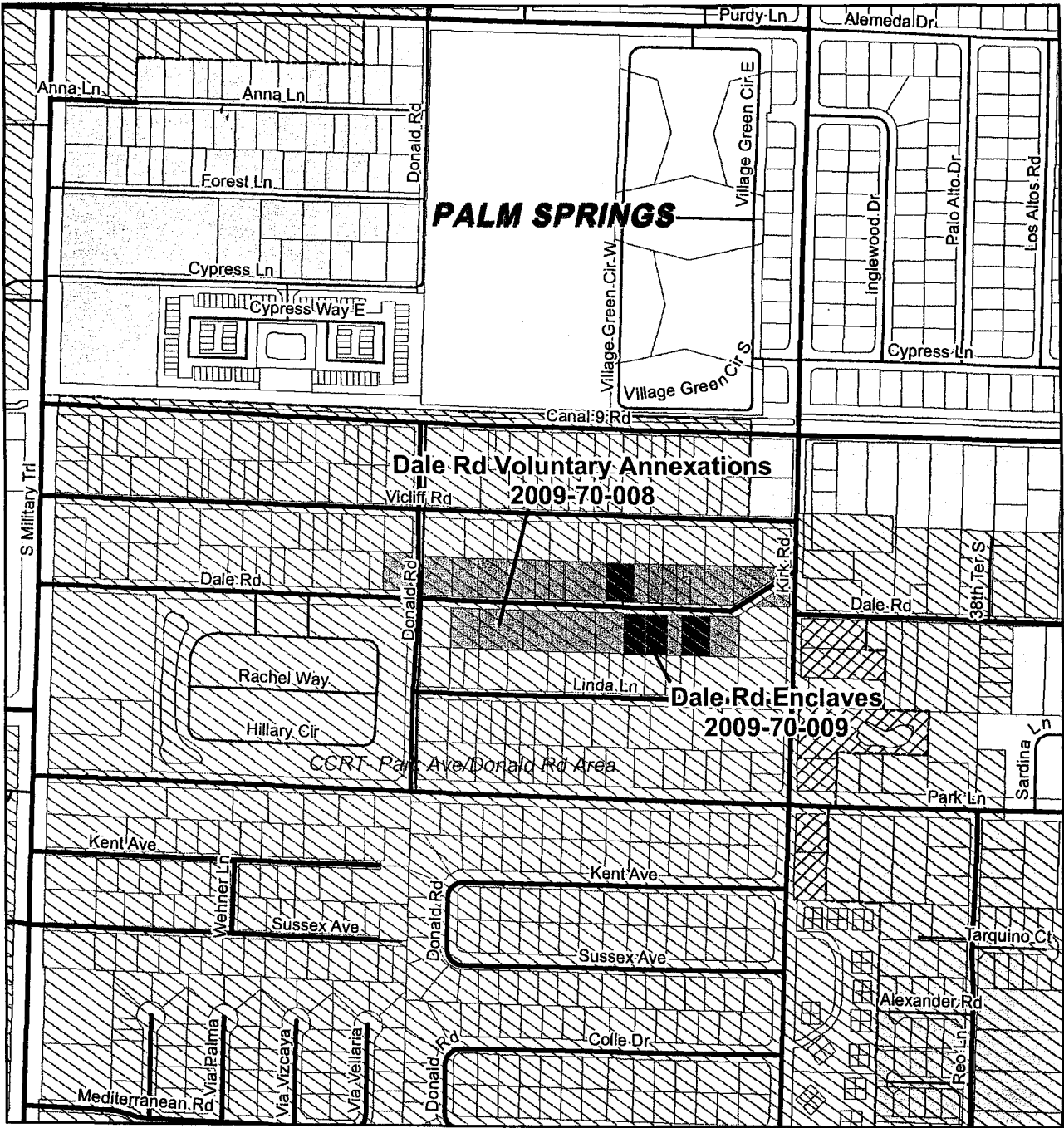
Dale Road Interlocal  
Village Limits

0 125 250 500 Feet

DATE: 9/16/2009



# Annexation Location Map



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

\*Source: ROW Maintenance Data provided by PBC Engineering Dept 2008 ENGGDB.CMR

