Agenda Item #: 5E-/

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### AGENDA ITEM SUMMARY

Meeting Date:	7/20/2010	[]	Consent Workshop	[X] [ ]	Regular Public Hearing	
Department:	Planning, Zoning and Building					
Submitted By:	Planning Division					
Submitted For:	Planning Division					

### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: THE VOLUNTARY ANNEXATION INTO THE CITY OF SOUTH BAY FOR PROPERTIES LOCATED IN THE UNINCORPORATED PROTECTION AREA, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF WILLARD SMITH ROAD AND U.S. HIGHWAY 27 WHICH IS CONTIGUOUS TO THE SOUTHERN BOUNDARY OF THE CITY OF SOUTH BAY.

Summary: The property owners have requested that the City of South Bay annex 62.36 acres, as shown in Attachment A, located within an area of the County known as the Unincorporated Protection Area (UPA). The UPA is defined as all unincorporated lands located outside the urban service area established in the Palm Beach County Comprehensive Plan. Pursuant to the requirements in the Palm Beach County Charter establishing an exclusive method for voluntary annexations outside the urban service area, this annexation in the UPA requires approval by an affirmative vote of at least <u>FIVE</u> members of the Board of County Commissioners. The annexation has been processed through the County's review departments, including Fire-Rescue, Engineering, Planning, Zoning, Environmental Resources Management, Parks and Recreation, Water Utilities, County Attorney, Property and Real Estate Management and the Office of Financial Management and Budget Departments. This proposed annexation meets the criteria and requirements of Chapter 171, F.S., and the Planning Division has not received negative comments from the departmental review. Additionally, the proposed annexation is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan. <u>District 6</u> (RB)

Background and Policy Issues: Pursuant to the Palm Beach County Charter, the approval of the BCC by a super majority vote is required for voluntary annexations within the UPA of the County. Consequently, the City of South Bay is requesting the Board's consent prior to second reading and adoption of the annexation. Upon receipt of the letter verifying the City's 1st reading (as shown in Attachment B), the annexing ordinance was approved by the City of South Bay Commission on June 15, 2010. A copy of the ordinance is provided as Attachment C. This unincorporated parcel is within the City's future annexation area. The proposed annexation meets the requirements of Chapter 171, F.S., for annexation and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan, which supports municipal efforts to secure boundary changes that maintain cost-effective service delivery. The City of South Bay will hold its 2nd reading in August 2010.

Attachment: 1. Attachment A – Proposed Annexation Map

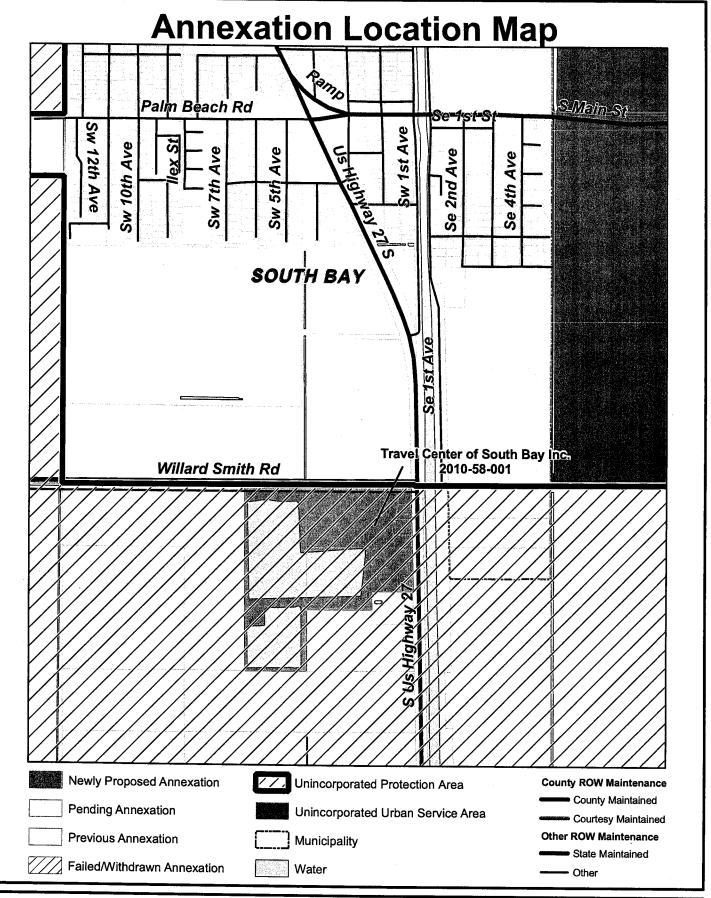
2. Attachment B – Letter Confirming 1st Reading
3. Attachment C – Proposed Appearation Ordinary

3. Attachment C – Proposed Annexation Ordinance

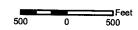
==============	
Recommended by: My Dealer Otter	6/22/10
Executive Director	/ Date,
Approved By:	7/7/10
Deputy County Administrator	/ Date

## II. FISCAL IMPACT ANALYSIS

A. Fiv	e Year Summary o	f Fiscal Impa	act:				
Fiscal	Years	20 <u>10</u>	20 <u>11</u>	20 <u>12</u>	20 <u>13</u>	20 <u>14</u>	
Opera Exteri Progr In-Kin NET	al Expenditures Iting Costs nal Revenues am Income (County Id Match (County) FISCAL IMPACT	/)					
	DITIONAL FTE ITIONS (Cumulative	e)			, <del></del>	·	
ls Iten	n Included In Curre	nt Budget?	Yes	_ No			
Budge	et Account No:	Fund	_ Agency _	Org.	Object		
Repo	rting Category	:					
B. with th	Recommended Sonis request. There wi	ll be no fiscal	impact to F	Planning Zon	ing & Building		
			III. <u>REVIEV</u>	V COMMENT	<u>ΓS</u>		
A.	OFMB Fiscal and/	or Contract [	Dev. and Co	ontrol Comm	nents:		
	OFME 29/20	120/10 25	D'	ontract Dev	Journal Sand Control	7/1	) 10
B.	Legal Sufficiency:	<b>,</b>					
	Assistant County	Attorney	Re	<b>—</b>			
C.	Other Department	Review:					
	Department Direct	tor					



Date: 05/12/2010
Contact: Nicole Delsoin
Filename: N:\Division PrAnnex\FY2010
Note: Map is not official, for informational purposes only
Source: ROW Maintenance Data PBC Engineering
Dept 2010 pbcgis1 SDE GEODATA.CENTERLINE\_LN





Planning, Zoning & Building





CITY HALL

PAGE 02

Department (561) 996-6511

Police

City Hail (561) 996-6751 (561) 996-6752

City of South Bay

South Bay, Florida 33493

June 18, 2010

Nicole Delsion
Planner 1
Palm Beach County Planning Division
West Palm Beach, Florida

Dear Madam:

The City of South Bay City Commission unanimously adopted Ordinance 11-2010 on the first reading at a Regular meeting held June 15, 2010.

Thank you for expeditiously handling our request.

Virginia K. Walker

Virginia K. Wałker

City Clerk/Treasurer

#### ORDINANCE NO. 6-2010

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA ANNEXING, PURSUANT TO SECTION 171.044, FLORIDA STATUTES, APPROXIMATELY 100 ACRES OF LAND; MORE SPECIFICALLY DESCRIBED AS PARCELS SUB ST SUR N 163.57 FT OF 303 FT OF E 175 FT OF LT 2 LYG W OF & ADJ TO SR 27, S/D OF 23-44-36, SUB ST SUR SLY 100 FT OF N 200.92 FT OF ELY 141.63 FT OF LT 2, SUB ST SUR, SLY 100 FT OF NLY 300.92 FT OF ELY 162.60 FT OF LT 2, SUB ST SUR, SLY 303 FT OF ELY 185.86 FT OF LT 2 (LESS N 163.57 FT OF E 175 FT), SUB ST SUR, SLY 56.18 FT OF NLY 357.18 FT OF ELY 178.80 FT OF LT 2, 23-44-36 S/D ST SURV E ½ OF LOTS 3,6,&11, SUB ST SUR LT 7 W OF SR 26/LESS E 450 FT OF S 200FT/ IN SECTION 23 TOWNSHIP 44 SOUTH,RANGE 36 EAST, PALM BEACH COUNTY FLORIDA, REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of South Bay has received a petition for annexation from Travel Center of South Bay, Inc.; and

WHEREAS, the City has determined that Travel Center of South Bay Inc. is the owner of the subject property and the petition bears the signature of Jay Goldman; and

WHEREAS, the City has found that the subject property is contiguous to the boundary of South Bay, that it does not create any enclaves,

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA THAT:

Section 1: The City of South Bay annexes into its boundary the property SPECIFICALLY DESCRIBED AS Parcels SUB ST SUR N 163.57 FT OF 303 FT OF E 175 FT OF LT 2 LYG W OF & ADJ TO SR 27 R/W IN OR1946P1529, S/D OF 23-44-36, SUB ST SUR SLY 100 FT OF N 200.92 FT OF ELY 141.63 FT OF LT 2, SUB ST SUR, SLY 100 FT OF NLY 300.92 FT OF ELY 162.60 FT OF LT 2, SUB ST SUR, SLY 303 FT OF ELY 185.86 FT OF LT 2 (LESS N 163.57 FT OF E 175 FT), SUB ST SUR, SLY 56.18 FT OF NLY 357.18 FT OF ELY 178.80 FT OF LT 2, 23-44-36 S/D ST SUR E ½ OF LOTS 3,6, & 11, SUB ST SUR LT 7 W OF SR 26/LESS E 450 FT OF S 200FT/IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA;

<u>Section 2</u>: All Ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3: Should any section or provision of this Ordinance, or any portion, paragraph, sentence, or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part other than the part declared to be invalid.

Section 4: This ordinance shall take effect in accordance with the laws pertaining thereto.

<u>Continuation of Ordinance 6-2010</u>

FIRST READING THIS 6TH DAY	OF April 2010.	
SECOND READING THIS	DAY OF	2010
	-	Mayor
		Vice-Mayor
	·	Commissioner
Attest:	<del></del> -	Commissioner
	<u></u>	Commissioner
City Clerk		