

7B-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 8/16/2011 ☐ Consent ☒ Regular
 ☐ Workshop ☐ Public Hearing

Department: Planning, Zoning & Building Department

Submitted By: Planning Division

Submitted For: Planning Division

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I. EXECUTIVE BRIEF

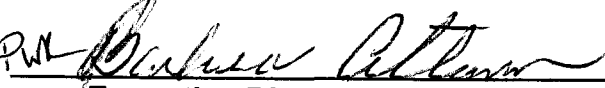
Motion and Title: Staff recommends motion to approve: An interlocal agreement with the Village of Palm Springs providing for the annexation of one enclave, generally located on the west and east sides of Kirk Road, north of Park Lane.

Summary: The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. Chapter 171, Florida Statutes (F.S.), allows annexation of enclaves less than 10 acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 2011-45 adopted on June 23, 2011, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of one enclave consisting of three parcels totaling 1.21 acres, and a portion of Kirk Road right-of way, as identified in Exhibit A of the interlocal agreement. The Interlocal Agreement includes the annexation of the Kirk Road right-of-way for service delivery purposes but does not include the transfer of operation and maintenance of this right-of-way. The Village has provided written notice to all owners of real property located in the enclave. 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 1.21-acre enclave as eligible for annexation pursuant to Section 171.046, F.S. By Resolution No. 2011-45 adopted on June 23, 2011, the Village has petitioned the County to enter into an interlocal agreement for the annexation of the enclave. This resolution revised the previously adopted Resolution No. 2011-31 due to the incorrect inclusion of the transfer of operation and maintenance of Kirk Road. The enclave meets the requirements of Chapter 171.046, F.S., for annexation by interlocal agreement, as it is less than 10 acres in size, is developed property, and meets the definition of an enclave by being surrounded by the Village. 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.

Attachment: 1. Attachment A – Interlocal Agreement (*2 copies*)
 2. Attachment B – Village of Palm Springs Resolution 2011-45

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Recommended By:  7/14/11
 Executive Director Date

Approved By:  8/11/11
 Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# 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 to any Department/Agency associated with this annexation. Fire Rescue will continue to service this area.

C. **Departmental Fiscal Review:** *Not Digesting*

III. REVIEW COMMENTS

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

WS 7/20/11
OFMB 7/20/11
7/20/11
7/21/11

Dr. J. Jacoby 7/27/11
 Contract Dev. and Control
 7-26-11 *Barbara Wheeler*

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

[Signature]
 Department Director

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made on this ____ day of _____, 2011 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 (2010).

WHEREAS, Section 163.01, Florida Statutes (2010), 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 4. 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. Ownership and maintenance of the right-of-way shall be retained by Palm Beach County.

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:

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: _____
Karen Marcus, Chairman

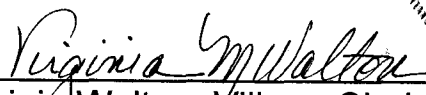
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



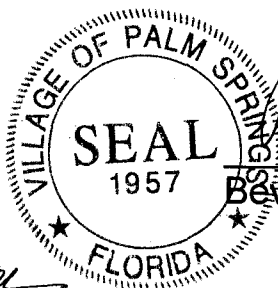
Robert P. Banks, Assistant County Attorney

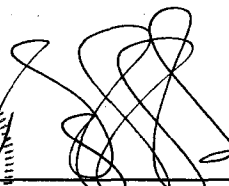
VILLAGE OF PALM SPRINGS

ATTEST:




Virginia Walton, Village Clerk
(Seal)





Bev Smith, Mayor

Approved as to Form and Legal Sufficiency

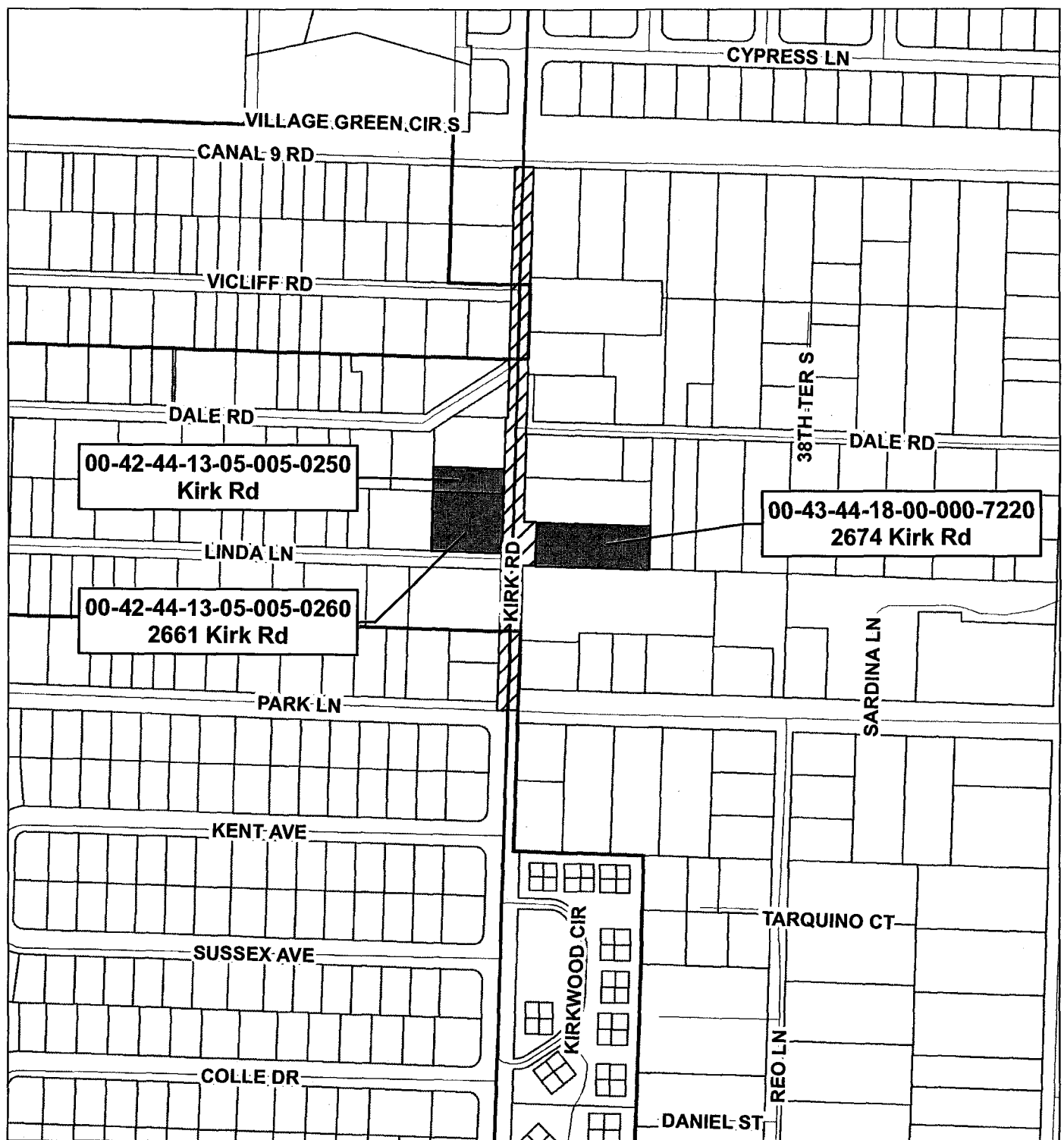





Glen Torcivia, Village Attorney

EXHIBIT A

VILLAGE OF PALM SPRINGS

Resolution 2011-45



-  Village Limits
-  Involuntary
-  Right of Way

0 200 400 800 Feet

DATE: 7/6/2011



RESOLUTION NO. 2011-45

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A REVISED INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING ONE (1) ENCLAVE CONSISTING OF A TOTAL OF THREE (3) 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 adopted Resolution No. 2011-31 on June 9, 2011, executing an Interlocal Agreement with Palm Beach County for the annexation of one (1) enclave consisting of a total of three (3) parcels, annexation of the road right-of-way and transfer of the maintenance of Kirk Road; and

WHEREAS, Palm Beach County will not approve the transfer of maintenance of Kirk Road, and the Agreement must be re-approved without the maintenance portion of the agreement; and

WHEREAS, the Village wishes to annex the three (3) parcels, consisting of a total of 1.21204 acres 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.

Resolution No. 2011-45

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.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, 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"/>
PATTI WALLER, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SERGIO ESCALADA, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23rd The Mayor thereupon declared the Resolution duly passed and adopted this day of JUNE 2011.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: 

BEV SMITH, MAYOR

ATTEST:

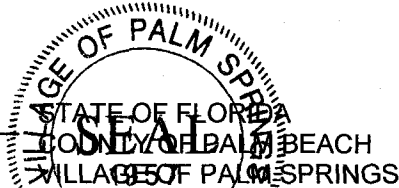
BY: Virginia M. Walton

VIRGINIA M. WALTON, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: Glen J. Torcivia

GLEN J. TORCIVIA, VILLAGE ATTORNEY



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