Agenda Item #: 118 -2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	8/16/2011	[]	Consent Workshop	[X] []	Regular Public Hearing			
Department:	Planning, Zoning and Building							
Submitted By:	Planning D	ivisior	n					
Submitted For:	Planning D	ivisior	1					

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The voluntary annexation into the Town of Jupiter for a property located in the Unincorporated Protection Area, generally located on the south side of Indiantown Road, east of Jupiter Farms Road.

Summary: The property owner has requested the annexation of a 3.44-acre parcel into the Town of Jupiter. This voluntary annexation is required through the Town of Jupiter Water Service Agreement entered into with the property owner, dated January 18, 2011, as a condition of connecting to the Town's water system. The property is located within an area of the County known as the Unincorporated Protection Area (UPA), as shown in the map as Attachment A. The UPA is defined as all unincorporated lands located outside of the Urban Service Area, as established in the Palm Beach County Comprehensive Plan. Pursuant to the requirements in the Palm Beach County Charter establishing an exclusive method for voluntary annexation outside the Urban Service Area, this annexation in the UPA requires approval by an affirmative vote of at least FIVE 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's Office, Property and Real Estate Management and the Office of Financial Management and Budget Department. The proposed voluntary annexation is bounded to the north, west and east sides by Palm Beach County owned property, and bounded to the south by Loxahatchee River District (LRD). This proposed annexation meets the criteria and requirements of Chapter 171, Florida Statutes (F.S.). District 1 (RB)

Background and Policy Issues: Pursuant to the Palm Beach County Charter, the approval of the Board of County Commissioners by a super majority vote is required for voluntary annexations within the UPA of the County. The annexing Ordinance, as shown in Attachment B, was approved on first reading by the Town of Jupiter Council on June 21, 2011. The Town of Jupiter requested the Board's consent prior to the second reading and adoption of the annexation and provided a letter verifying the Town's first reading, as shown in Attachment C. The Town of Jupiter will hold its second reading on August 16, 2011. The attached letter from the Loxahatchee River District (LRD) to the Town of Jupiter, as shown in Attachment D, confirmed that the portion of the LRD property between the proposed annexation and the Town's boundary is a public utility property, and thus the parcel meets the Statutory criteria for contiguity, as it is a minor geographic division of a similar nature to a right-of-way. 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.

Attachment: 1. Attachment A - Proposed Annexation Map 2. Attachment B - Proposed Annexation Ordinance 3. Attachment C - Letter Confirming 1 st Reading 4. Attachment D - Letter from LRD to the Town	
Recommended by: 104 Perken alter	
Executive Director	/ Ďate
Approved By: A Mu	7/26/4
Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	20 <u>11</u>	20 <u>12</u>	20 <u>13</u>	20 <u>14</u>	20 <u>15</u>
Capital Expenditures					
Operating Costs					
External Revenues		<u></u>			<u></u>
Program Income (County)	·				
In-Kind Match (County) NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative))				
Is Item Included In Curren Budget Account No.:	t Budget? Fund	Yes _ Agency	No Org	Object	

Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact: No fiscal impact associated with this agenda. Board must approve to continue with annexation request.

C. Departmental Fiscal Review:

Tato Darano

III. REVIEW COMMENTS

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

OFM WS 20"

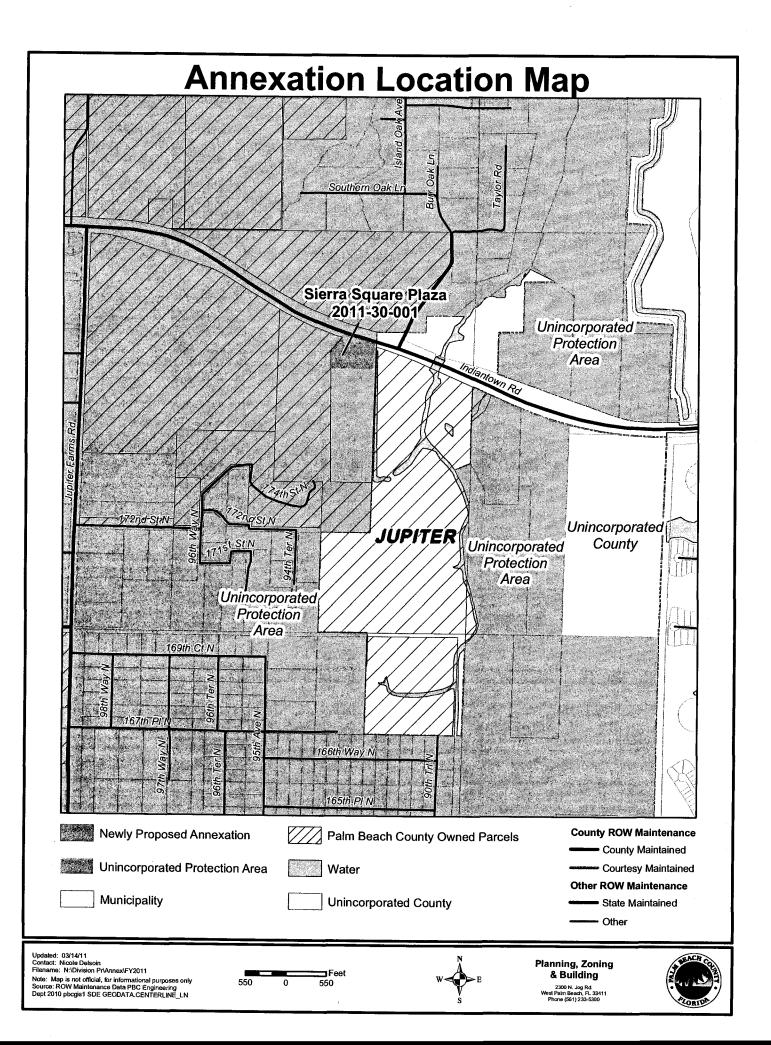
712-511 Contr 7.25

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director



ORDINANCE NO. 14-11

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20 21 22 Attachment B

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A 3.4 +/- ACRE PARCEL OF UNINCORPORATED LAND WHICH IS CONTIGUOUS TO THE BOUNDARIES OF THE TOWN OF JUPITER; PROVIDING FOR A REVISION OF THE TOWN'S BOUNDARIES TO INCLUDE THE PARCEL ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, S&S Rentals, LLC is the owner (the "Owner") of a 3.4 +/- acre parcel of land which is presently in unincorporated Palm Beach County (the "subject property") the legal description of which is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, the subject property is contiguous to the boundaries of the Townof Jupiter; and,

WHEREAS, the subject property is generally located on the south side of Indiantown Road approximately 1.6 miles west of the Florida Turnpike and 1.0 mile east of Jupiter Farms Road as shown on **Exhibit "B**", which is attached hereto and incorporated herein; and,

WHEREAS, the Owner has petitioned the Town of Jupiter to voluntarily
 annex the subject property into the Town of Jupiter; and,

Ord No. 14-11 Page 2

WHEREAS, the Town's Planning and Zoning Commission has
 considered the Owners' petition for voluntary annexation and has recommended its
 approval to the Town Council.

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NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA:

6 <u>Section 1.</u> The whereas clauses are incorporated herein as true and correct
7 and the legislative findings of the Town Council.

8 <u>Section 2.</u> The subject property is contiguous to the Town's boundaries, is
 9 reasonably compact, urban in character and is in the path of the Town's continuing
 10 urbanization and development.

Section 3. The voluntary annexation does not create enclaves, pockets or
 finger areas within the boundaries of the Town of Jupiter.

13 Section 4. The petition for voluntary annexation of the subject property bears
 14 the signature of the legal Owners of the subject property.

15 Section 5. This Ordinance is adopted for the purpose of extension of the 16 territorial limits of the Town of Jupiter consistent with the provisions of Section 17 171.044, Florida Statutes. The Town Council hereby authorizes the annexation of the 18 subject property into the Town of Jupiter and the Town's boundaries shall be 19 redefined to include the land so annexed.

20 <u>Section 7.</u> Article II of the Charter of the Town of Jupiter, which contains the 21 legal description of the Town' incorporated municipal boundaries is hereby revised 22 to include the subject property. A certified copy of this Ordinance shall be filed as a 23 revision of the Town Charter with the Department of State of the State of Florida 24 within 30 days from the date of effective date of the Ordinance as required by 25 Section 166.044 (3) and 171.091, Florida Statutes.

Ord No. 14-11 Page 3

Section 8. Upon the effective date of this annexation into the Town, the
 subject property shall be subject to all laws, ordinances and regulations in force in
 the Town and shall be entitled to the same privileges and benefits as any other
 property in the Town.

<u>Section 9.</u> The Town Clerk is hereby directed to file a certified copy of this
Ordinance with the Clerk of the Circuit Court of Palm Beach County, the Palm Beach
County Board of County Commissioners, and the Florida Department of State.

Section 10. This Ordinance shall take effect immediately upon adoption.

9 Attachments:

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11 12 13

Exhibit "A" - Legal Description Exhibit "B" - Location Map

14K:\Staff\WP51\Annexations\Sierra Square 2011\TC 6-21-11\Ord 14-11 annexation (FINAL).DOCJune1514, 2011

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LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NORTHEAST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4) OF SECTION 6. TOWNSHIP 41 SOUTH, RANGE 42 EAST, BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

FROM AN IRON ROD MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SOUTHWEST 1/4 OF NORTHEAST 1/4) OF SAID SECTION 6, BEAR NORTH 1° 37' 09" EAST ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SOUTHWEST 1/4 OF THE NORTHEAST 1/4) OF SAID SECTION 6, A DISTANCE OF 1145.19 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 706 (INDIANTOWN ROAD); THENCE NORTH 74° 56' 13" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 61.69 FEET TO THE POINT OF BEGINNING.

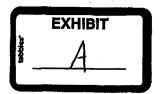
THENCE, CONTINUE NORTH 74° 56′ 13° WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 184.12 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 3° 38′ 03° AND A RADIUS OF 2914.93 FEET; THENCE, NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 184.89 FEET TO THE END OF SAID CURVE; THENCE SOUTH 41° 20′ 19° WEST, A DISTANCE OF 224.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 41° 30′ 00° AND A RADIUS OF 70.58 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 51.12 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 0° 09′ 44° EAST, A DISTANCE OF 160.29 FEET; THENCE, NORTH 1° 37′ 09° EAST, ALONG A LINE THAT IS 60 FEET WESTERLY OF, PARALLEL AND MEASURED AT RIGHT ANGLES TO THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SOUTHWEST 1/4 OF NORTHEAST 1/4) OF SAID SECTION 6, A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING.

LESS PARCEL "A" (ADDITIONAL RIGHT OF WAY FOR STATE ROAD *706)

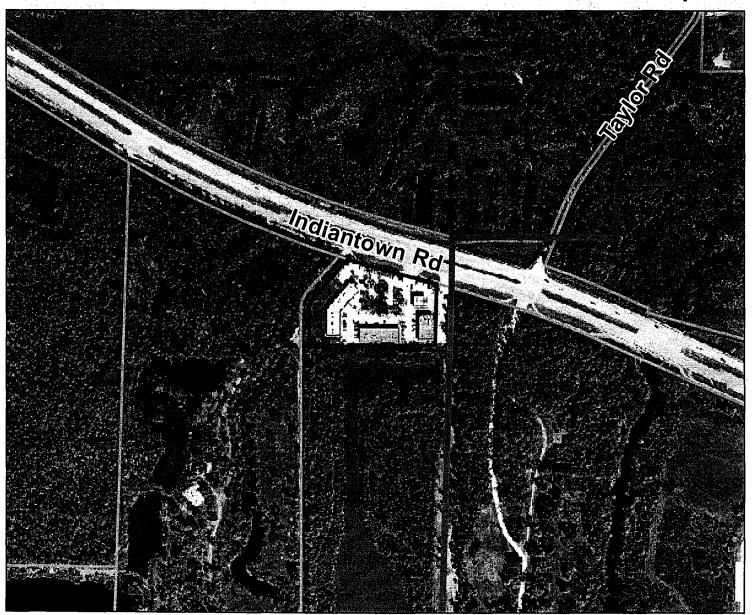
A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NORTHEAST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4) OF SECTION 6. TOWNSHIP 41 SOUTH, RANGE 42 EAST, BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

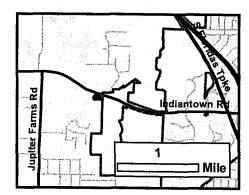
FROM AN IRON ROD MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SW 1/4 OF NORTHEAST 1/4) OF SAID SECTION 6, BEAR NORTH 1° 37' 09' EAST ALONG THE EAST LINE OF THE SOUTHWEST DNE-QUARTER OF THE NORTHEAST ONE-QUARTER (SOUTHWEST 1/4 OF NORTHEAST 1/4) OF SAID SECTION 6, A DISTANCE OF 1146.19 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 706 (INDIANTOWN ROAD); THENCE NORTH 74' 56' 13" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 61.59 FEET TO THE POINT OF BEGINNING.

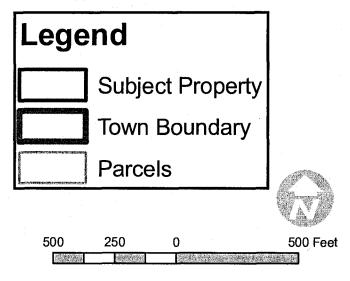
THENCE, CONTINUE NORTH 74° 55′ 13° WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 184, 12 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 3° 38′ 03° AND A RADIUS OF 2914.93 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 184.89 FEET, THENCE SOUTH 41° 20′ 19° WEST A DISTANCE OF 10.83 FEET TO THE ARC OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2924.93 FEET; THENCE, SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 189.04 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 74° 56′ 13° EAST A DISTANCE OF 186.51 FEET; THENCE NORTH 1° 37′ 09° EAST A DISTANCE OF 10.28 FEET TO THE POINT OF BEGINNING.



Location Map - Exhibit B Sierra Square







SierraSqExhibitB.mxd/PDF JupiterGIS April, 2011



TOWN OF JUPITER

July 12, 2011

Mr. Lorenzo Aghemo, Director Division of Planning Palm Beach County 2300 N. Jog Road West Palm Beach, Florida 33411

RE: Sierra Square Shopping Plaza Annexation, Future Land Use and Zoning Map Amendments

Dear Mr. Aghemo:

At the June 21, 2011 public hearing, the Town Council approved (by a unanimous 5-0 vote) on 1st reading the annexation Future Land Use and Zoning Map amendments for the Sierra Square Shopping Plaza property. The adoption hearing for the three amendments is scheduled for the August 16, 2011 Town Council meeting.

Please contact me at your earliest convenience at either (561) 741-2452 or <u>davidk@jupiter.fl.us</u>, if you have any questions pertaining to the three Sierra Square Shopping Plaza applications.

Sincerely,

avid MK emp

David M. Kemp, AICP Principal Planner Town of Jupiter

Cc: Patricia Behn, Palm Beach County Planning Division

K:\Staff\WP51\Annexations\Sierra Square 2011\OTher Docs\07-12-11_PBCLt.doc

210 Military Trail • Jupiter, Florida 33458 • www.jupiter.fl.us Phone (561) 741-2323 • Fax (561) 744-3116

Attachment D

LOXAHATCHEE RIVER DISTRICT

2500 Jupiter Park Drive, Jupiter, Florida 33458-8964 Telephone (561) 747-5700 Fax (561) 747-9929 E-mail: osprey@loxahatcheeriver.org Website: www.loxahatcheeriver.org

D. Albrey Arrington, PhD., Executive Director

November 10, 2010

Andrew D. Lukasik, Town Manager Town of Jupiter 210 Military Trail Jupiter, FL 33458

Re: Potential Annexation of Sierra Square Shopping Plaza

Dear Mr. Lukasik:

It has been brought to my attention that the owner of Sierra Square Shopping Plaza, 9250 Indiantown Road, will be filing a petition for voluntary annexation into the Town in the near future, as a condition of connecting to the Town's water system which is being extended along Indiantown Road. As you may be aware, Loxahatchee River District ("District") owns a parcel of land adjacent to Sierra Square. A 60 foot wide portion of the District's parcel is located between Sierra Square's eastern boundary and the Town's municipal boundary. This strip of land is occupied by a District-maintained road providing access, ingress, and egress between Indiantown Road and the balance of the District's parcel.

The District's parcel has a Future Land Use Designation of "Utility" and is zoned "PO-Public Ownership" by the County. As such, the entire parcel, including the 60 foot strip, is public utility property.

Please do not hesitate to contact me if you need any further information.

Sincerely,

D. Albrey Atrington, Ph.D. Executive Director

cc: David Brown, Director of Utilities, TOJ Thomas J. Baird, Town Attorney

Gordon M. Boggie Board Member Joseph O. Ellis Board Member

Paul J. Whalen Chairman Harvey M. Silverman Board Member Sawyer Thompson Jr. Board Member



Preserving Nature by DesignAward Winning Wastewater Program

WildPine Ecological Lab

Busch Wildlife Sanctuary

The River Center

Friends of the Loxahatchee River