

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 10/18/2011       Consent       Regular  
    Workshop       Public Hearing

Department:                      Planning, Zoning & Building Department

Submitted By:                    Planning Division

Submitted For:                  Planning Division

=====

I. EXECUTIVE BRIEF

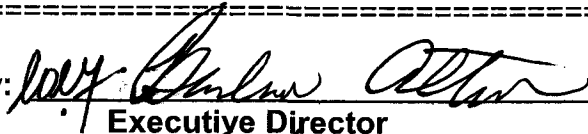
**Motion and Title: Staff recommends motion to approve:** An interlocal agreement with the Village of Palm Springs providing for the annexation of six enclaves, generally located south of Canal Road and north of Lakewood Road along Gulfstream Road and Coconut Road, and providing for the consent to the voluntary annexation of the unincorporated County-owned parcel, located on the southwest corner of Canal Road and Coconut Road.

**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. 2011-57 adopted on September 8, 2011, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of six enclaves consisting of 16 parcels totaling 8.26 acres, as identified in Exhibit A. In addition, the agreement will provide consent to the voluntary annexation of a 0.05-acre county-owned parcel use as a right-of-way, located on the southwest corner of Canal Road and Coconut Road as identified in Exhibit B. Palm Beach County does not transfer ownership rights to the County-owned parcel, but rather consents to the property being annexed into, and included within, the municipal boundary of the Village of Palm Springs. The Village has provided written notice to all owners of real property located in the enclaves. The Interlocal Agreement also provides for the transfer of operation and maintenance of two right-of-way segments, known as Gulfstream Road and Canals Road, as identified in Exhibit C. 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. 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. By Resolution No. 2011-57 adopted on September 8, 2011, the Village has petitioned the County to enter into an interlocal agreement for the annexation of the enclaves and a 0.05-acre County-owned parcel. The enclaves meet the requirements of Chapter 171.046, 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. 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.

- Attachments:**
- 1. Interlocal Agreement with Exhibits A, B and C
  - 2. Annexation Location Map
  - 3. Village of Palm Springs Resolution 2011-57
  - 4. Palm Springs Notice to Property Owners Letter

=====

Recommended By:                       9-21-11  
   Executive Director    Date

Approved By:                       \_\_\_\_\_  
   Deputy County Administrator    Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	___	___	___	___	___
Operating Costs	___	___	___	___	___
External Revenues	___	___	___	___	___
Program Income (County)	___	___	___	___	___
In-Kind Match (County)	___	___	___	___	___
NET FISCAL IMPACT	<u>* ___</u>	___	___	___	___
# ADDITIONAL FTE POSITIONS (Cumulative)	___	___	___	___	___

Is Item Included In Current Budget? Yes \_\_\_ No X

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: Pat D'Agostino

**III. REVIEW COMMENTS**

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

WS 9/24/11  
OFMB 9/20/11  
9/24/11  
9/24/11  
Contract Dev. and Control 10/3/11

**B. Legal Sufficiency:**

[Signature]  
Assistant County Attorney

This Contract complies with our contract review requirements.

**C. Other Department Review:**

[Signature]  
Department Director

1

**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 in the Village's Comprehensive Plan and are identified as a high priority Sub-Area in the Palm Springs Annexation Study, accepted by the Board of County Commissioners on September 27, 2005, 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 definitions 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 Enclaves**

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 5. Consent for Annexation of County-Owned Parcel**

Palm Beach County hereby consents to the voluntary annexation of the unincorporated parcel identified in Exhibit "B", which is contiguous to the territorial limits of the Village of Palm Springs and is owned by Palm Beach County.

**Section 6. Annexation of Rights-of-Way**

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

**Section 7. 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 "C" from the County to the Village. Such transfer shall occur upon the effective date of the annexation of these right-of-way segments.

**Section 8. Effective Date**

This agreement shall take effect upon execution by both parties.

**Section 9. 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 10. 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 11. Captions**

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

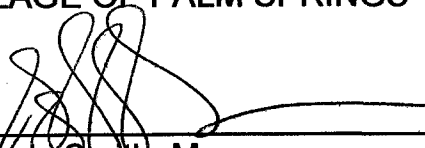
**Section 12. Severability**

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 13. Entire Agreement & Counterparts

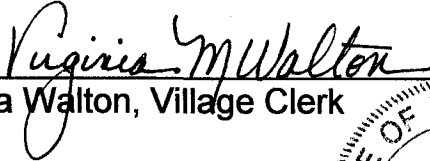
This Agreement represents the entire understanding between the parties, concerning the subject, and supersedes all other negotiations, representation, or agreements, either written or oral, relating this Agreement. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

VILLAGE OF PALM SPRINGS

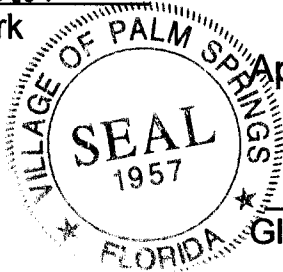


\_\_\_\_\_  
Beverly Smith, Mayor

ATTEST:



\_\_\_\_\_  
Virginia Walton, Village Clerk  
(Seal)



Approved as to Form and Legal Sufficiency



\_\_\_\_\_  
Glen Torcivia, Village Attorney

ATTEST:

SHARON R. BOCK, Clerk &  
Comptroller

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



By: \_\_\_\_\_  
Assistant County Attorney

**Exhibit A  
Parcels by Enclave**

PCN	Property Address	Acres	Owner	Legal Description
<b>Enclave A</b>				
00434419110030078	Vacant property on Gulfstream Road	0.07	Deutsche Bank Ntnl Trust	LAKEWOOD GARDENS PL 1 N 10 FT OF S 160 FT OF TRS 7 & 8 BLK 3
00434419110030077	3605 Gulfstream Road 2	0.54	Deutsche Bank Ntnl Trust	LAKEWOOD GARDENS PL 1 N 75 FT OF S 150 FT OF TR 7 & 8 BLK 3
00434419110030076	3621 Gulfstream Road	0.54	Daniel & Mavlet Roberts	LAKEWOOD GARDENS PL 1 S 75 FT OF TRS 7 & 8 BLK 3
00434419110030043	3635 Gulfstream Road	0.57	Franklin & Glenda LaFavor	LAKEWOOD GARDENS PLAT 1 N 79.44 FT OF TR 4 & N 1/4 OF TR 6 BLK 3
<b>Enclave B</b>				
00434419110040013	3724 Gulfstream Road	0.14	Magdaleno Arce & Silvia Sanchez	LAKEWOOD GARDENS PLAT 1 N 58.87 FT OF W 104 FT OF TR 1 BLK 4
00434419110040242	3708 Gulfstream Road 1	0.57	Carmen & Imelda Oros	LAKEWOOD GARDENS PLAT 1 S 1/2 OF TR 24 BLK 4
<b>Enclave C</b>				
00434419110040221	3633 Coconut Road	0.23	Nicholas Barone	LAKEWOOD GARDENS PLAT 1 E 165 FT OF N 60 FT OF TR 22 BLK 4
00434419110040092	3630 Coconut Road	1.21	Douglas Rill	LAKEWOOD GARDENS PLAT 1 TR 9 (LESS E 330 FT) BLK 4
<b>Enclave D</b>				
00434419110040202	3575 Coconut Road	0.58	Clifton Dalrymple	LAKEWOOD GARDENS PLAT 1 N 1/2 OF E 1/2 OF TR 20 BLK 4
00434419110040201	3591 Coconut Road	0.58	Darlene Franche	LAKEWOOD GARDENS PLAT 1 S 1/2 OF E 1/2 OF TR 20 BLK 4
00434419110040214	3593 Coconut Road	0.27	Nelson Lopez	LAKEWOOD GARDENS PLAT 1 N 50 FT OF E 235 FT OF E 1/2 OF TR 21 BLK 4
<b>Enclave E</b>				
00434419110040171	3660 Canal Road 1	0.47	GMAC Mortgage LLC	LAKEWOOD GARDENS PLAT 1 E 54.75 FT & S 87 FT OF W 110.25 FT (LESS E 75 FT OF W 90 FT) OF TR 17 BLK 4
00434419110040173	3660 Canal Road 5	0.15	Jim & Claudette Belizaire	LAKEWOOD GARDENS PLAT 1 E 75 FT OF W 90 FT OF S 87 FT OF TR 17 BLK 4
00434419110040161	3527 Coconut Road	0.51	Kyle Russell & Ashley Rossetti	LAKEWOOD GARDENS PL NO 1 N 149 FT OF S 289 FT OF W 150 FT OF TR 16 BLK 4
<b>Enclave F</b>				
00434419110040150	3530 Coconut Road	0.64	Jeffrey Lewis	LAKEWOOD GARDENS PLAT 1 TR 15 (LESS S 145 FT) BLK 4
00434419110040140	3915 Canal Road 1	1.19	John & Eleen Barber	LAKEWOOD GARDENS PLAT 1 TR 14 BLK 4

### **Exhibit B**

#### **County-owned Parcel by the County For which consent to the voluntary annexation is provided to the Village**

<b>PCN</b>	<b>Property Address</b>	<b>Acres</b>	<b>Owner</b>	<b>Legal Description</b>
00434419110040162	COCONUT RD S	0.05	Palm Beach County	LAKEWOOD GARDENS PL 1 E 15 FT OF N 149 FT OF S 289 FT OF TR 16 BLK 4

### **Exhibit C**

#### **Right-of-Way Segments Operated & Maintained by the County For which operation & maintenance will be transferred to the Village**




<b>Rights of Way</b>	<b>Segment</b>
Gulfstream Road	Entire segment from Lakewood Road to Canal Road
Canal Road	Entire segment from Gulfstream Road to the Village municipal limits



# VILLAGE OF PALM SPRINGS

Interlocal Enclave Resolution No. 2011-57



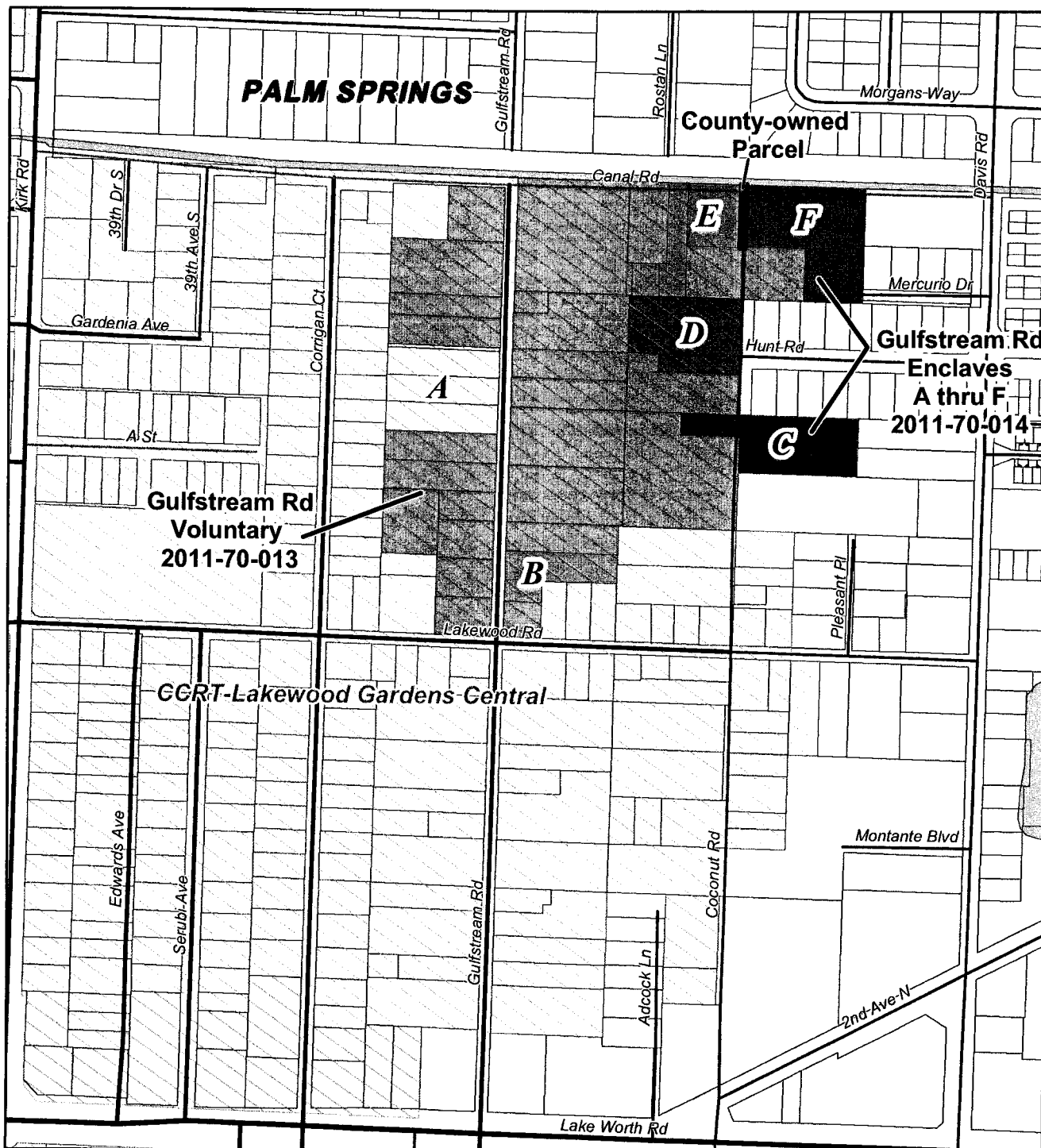
-  Right of Way
-  Involuntary
-  Village Limits

0 200 400 800 Feet



DATE: 8/31/2011

# Annexation Location Map



Proposed Voluntary Annexation	<b>Proposed Enclave Interlocal</b>	County ROW Maintenance
Municipality	A - 1.72 ac	County Maintained
CCRT Area	B - 0.71 ac	Courtesy Maintained
Palm Beach County Owned Parcel	C - 1.44 ac	<b>Other ROW Maintenance</b>
	D - 1.43 ac	State Maintained
	E - 1.13 ac	Other
	F - 1.83 ac	

Updated: 8/3/11  
 Contact: Nicole Delsoin  
 Filename: N:\Division PR\Annex\FY2011  
 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**  
 2300 N. Jog Rd.  
 West Palm Beach, FL 33411  
 Phone (561) 233-5300



**RESOLUTION NO. 2011-57**

**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 FOUR (4) ENCLAVES, CONSISTING OF A TOTAL OF SIXTEEN (16) PARCELS, OF TEN ACRES OR LESS, AND TWO (2) ROAD RIGHTS-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 four (4) enclaves, consisting of a total of sixteen (16) parcels and two (2) road rights-of-way; and

**WHEREAS**, the Village wishes to annex the four (4) enclaves, consisting of a total of sixteen (16) parcels and two (2) road rights-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. 2011-57

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

Council Member Waller offered the foregoing resolution.

Council Member Escalada 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"/>

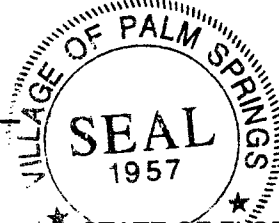
The Mayor thereupon declared the Resolution duly passed and adopted this 8<sup>th</sup> day of SEPTEMBER 2011.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: [Signature]  
BEV SMITH, MAYOR

ATTEST:

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

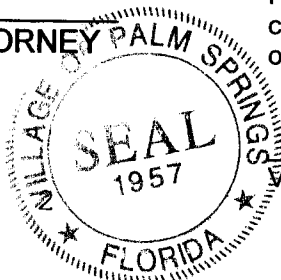


REVIEWED FOR FORM AND LEGAL SUFFICIENCY

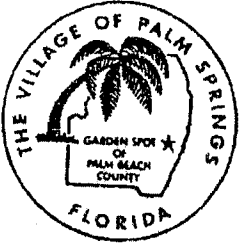
STATE OF FLORIDA  
COUNTY OF PALM BEACH  
VILLAGE OF PALM SPRINGS

BY: [Signature]  
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



## Village of Palm Springs

Land Development  
226 Cypress Lane • Palm Springs, Florida 33461  
(561) 965-4016 Fax (561) 439-4132

August 3, 2011

Douglas Rill  
2215 N Military Trl  
#100  
West Palm Beach, Florida 33409-2986

RE: 3630 Coconut Road

Dear Douglas Rill,

The subject property is within the area currently being considered for annexation through an Interlocal Agreement between the Village of Palm Springs and Palm Beach County. Chapter 171.046 Florida Statutes recognizes the use of Interlocal Agreements as a means to eliminate enclaves. Elimination of enclaves provides for more efficient delivery of services to the area.

The Agreement will be heard by the Village of Palm Springs Land Development Board on Tuesday August 9, 2011 at 6:30 pm. A public hearing before the Village Council will take place on September 8, 2011 at 7:30 pm. Both meetings will take place in the Council Chambers at 226 Cypress Lane, Palm Springs, Florida 33461.

Following adoption by the Village of Palm Springs, the Agreement will be forwarded to Palm Beach County for a public hearing before the Board of County Commissioners. For further information on the County's hearing, please contact Patricia Behn at (561) 233-5300.

If you have questions, please do not hesitate to contact me at (561) 965-4016.

Sincerely,

Bette J. Lowe  
Land Development Director