

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

Agenda Item #:

4C-1

AGENDA ITEM SUMMARY

Meeting Date: 5/1/2012

☐ 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 one enclave, generally located on the north side of Dale Road and west of Donald Road, and the transfer of the responsibility for operation and maintenance of the right-of-way segment of Dale Road from the County to the Village.

Summary: The Board of County Commissioners (BCC) 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. 2012-26, adopted on March 29, 2012, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of one enclave consisting of two parcels totaling 0.48 acre, as identified in Exhibit A of the interlocal agreement. The Village has provided written notice to all owners of real property located in the enclave as shown in attachment 4. The Interlocal Agreement also provides for the annexation, as well as the transfer of operation and maintenance of the right-of-way segment as identified in Exhibits B and C of the interlocal agreement. The annexation has been processed through the County's review departments, including Fire-Rescue, Sheriff's Office, 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. 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. 2012-26, adopted on March 29, 2012, the Village has petitioned the County to enter into an interlocal agreement for the annexation of the enclave. 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. 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, as well as consistent with the Palm Springs Annexation Study accepted by the BCC in September 2005.

Attachments:

1. Interlocal Agreement with Exhibits A, B and C
2. Annexation Location Map
3. Village of Palm Springs Resolution 2012-26
4. Palm Springs Notice to Property Owners Letter

Recommended By: [Signature]
Executive Director

4/4/12
Date

Approved By: [Signature]
Deputy County Administrator

4/19/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
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 _____

Budget Account No.: Fund _____ Agency _____ Org. _____ Object _____

Reporting Category _____

B. * Recommended Sources of Funds/Summary of Fiscal Impact: There is no fiscal impact associated with this annexation. Fire Rescue will continue to service these areas.

C. Departmental Fiscal Review: Rob D'Agostino

III. REVIEW COMMENTS

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

WS 4-10-12
OFMB 4/11/12
4/10/12

4-16-12
Contract Dev. and Control
4/17/12

B. Legal Sufficiency:

Assistant County Attorney

This Contract complies with our contract review requirements.

C. Other Department Review:

Department Director

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made on this ____ day of _____, 2012 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 (2001).

WHEREAS, Section 163.01, Florida Statutes (2003), 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 enclave; 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

WHEREAS, the County and the Village agree that the parcel to be annexed via this Interlocal Agreement is 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

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 4. Annexation of Rights-of-Way

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

Section 5. Transfer of Ownership and Maintenance Responsibility of Rights-of-Way identified in Exhibit "C"

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 the right-of-way segments identified in Exhibit "C".

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 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. Severality

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.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

ATTEST: _____
Chair

By: _____
Deputy Clerk

(Seal) Approved as to Form and Legal Sufficiency

County Attorney

(Seal) VILLAGE OF PALM SPRINGS
ATTEST _____
Bev. Smith, Mayor

Virginia Walton, Village Clerk

Approved as to Form and Legal Sufficiency

Village Attorney

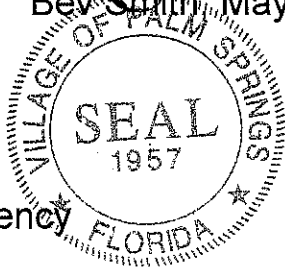


Exhibit A
Parcels by Enclave

PCN	Property Address	Acres	Owner	Legal Description
Enclave 1				
00424413050020240	4289 Dale Road	0.32	Michael Goodwin	MILITARY HILL LOTS 24 & 25 BLK B
00424413050020260	4271 Dale Road	0.16	Phillip Seager	MILITARY HILL LOT 26 BLK B

Exhibit B
Right-of-Way Segment To Be Annexed

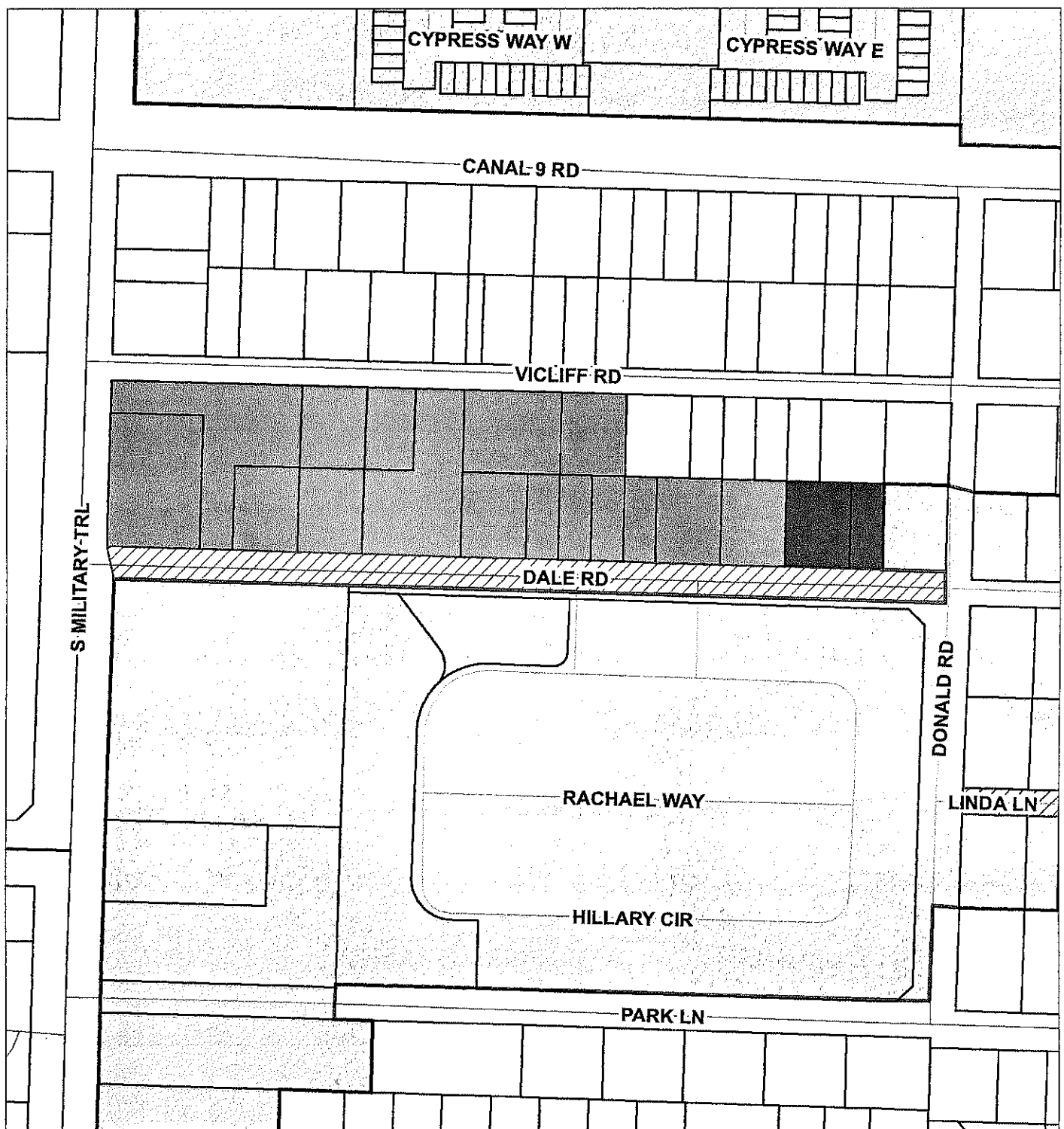
Rights-of-Way	Segment
Dale Road	Entire segment from South Military Trail to Donald Road





Exhibit C
Right-of-Way Segment Operated and Maintained by the County
For which operation and maintenance will be transferred to the Village

Rights-of-Way	Segment
Dale Road	Entire segment from South Military Trail to Donald Road

VILLAGE OF PALM SPRINGS

Annexation



-  Ord 2012-10 Voluntary Annexation
-  Res 2012-26 Involuntary Annexation
-  Right of Way
-  Village Limits

0 100 200 400 Feet

DATE: 2/16/2012



INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made on this ____ day of _____, 2012 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 (2001).

WHEREAS, Section 163.01, Florida Statutes (2003), 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 enclave; 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

WHEREAS, the County and the Village agree that the parcel to be annexed via this Interlocal Agreement is 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:

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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

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 4. Annexation of Rights-of-Way

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

Section 5. Transfer of Ownership and Maintenance Responsibility of Rights-of-Way identified in Exhibit "C"

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 the right-of-way segments identified in Exhibit "C".

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.

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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 Board of County Commissioners is to consider the adoption of this Interlocal Agreement.

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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.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Chair

By: _____
Deputy Clerk

(Seal)

Approved as to Form and Legal Sufficiency

[Signature]

County Attorney

VILLAGE OF PALM SPRINGS

(Seal)

ATTEST

[Signature]

Bev Smith, Mayor

Virginia M Walton
Virginia Walton, Village Clerk

Approved as to Form and Legal Sufficiency

Village Attorney

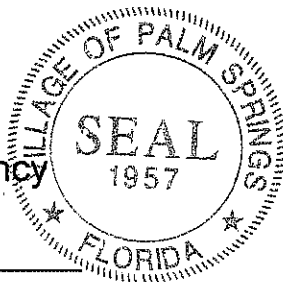


Exhibit A
Parcels by Enclave

PCN	Property Address	Acres	Owner	Legal Description
Enclave 1				
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00424413050020260	4271 Dale Road	0.16	Phillip Seager	MILITARY HILL LOT 26 BLK B

Exhibit B
Right-of-Way Segment To Be Annexed

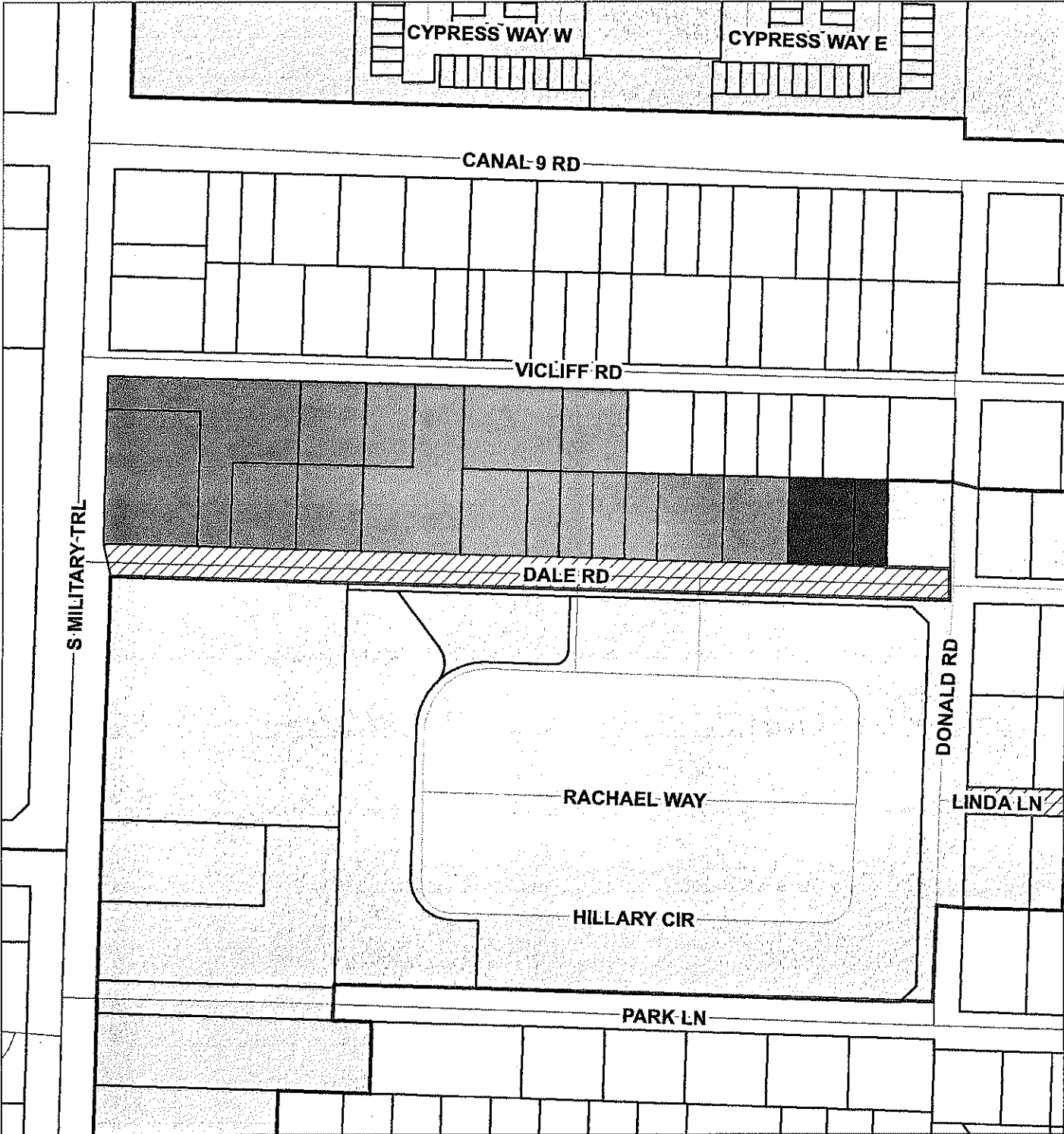
Rights-of-Way	Segment
Dale Road	Entire segment from South Military Trail to Donald Road

Exhibit C
Right-of-Way Segment Operated and Maintained by the County
For which operation and maintenance will be transferred to the Village

Rights-of-Way	Segment
Dale Road	Entire segment from South Military Trail to Donald Road

VILLAGE OF PALM SPRINGS

Annexation



Ord 2012-10 Voluntary Annexation

Res 2012-26 Involuntary Annexation

Right of Way

Village Limits

0100200400

Feet

DATE: 2/16/2012

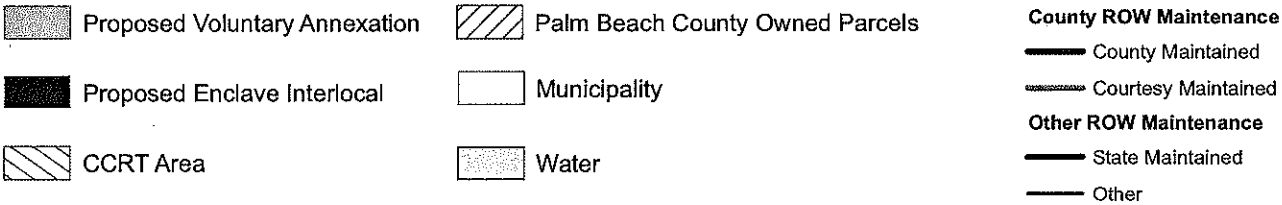
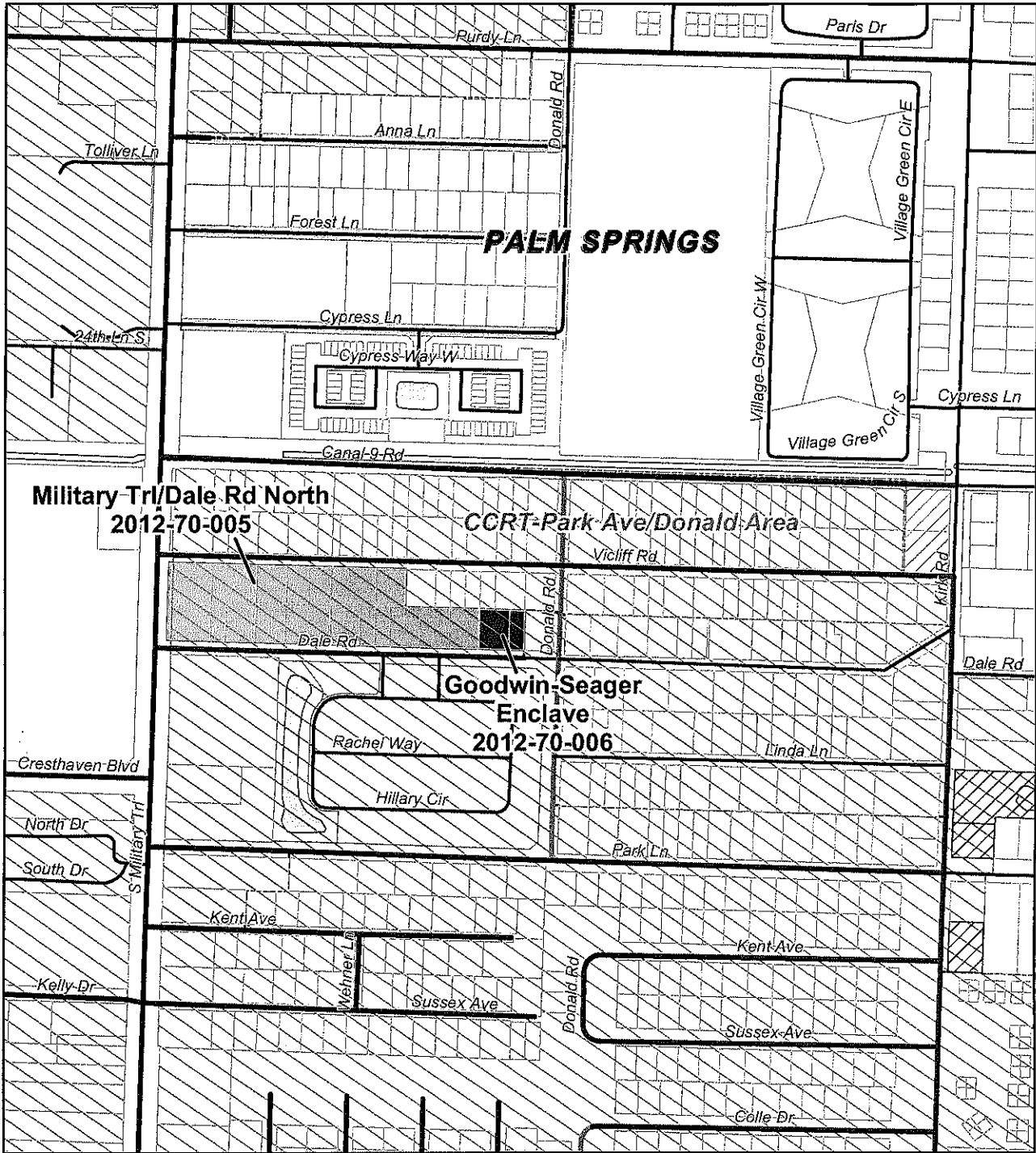
N

W

S

E

Annexation Location Map



RESOLUTION NO. 2012-26

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 ONE (1) ENCLAVE, CONSISTING OF TWO (2) PARCELS, OF TEN ACRES OR LESS, AND THE ROAD RIGHT-OF-WAY FOR DALE ROAD, 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 one (1) enclave, consisting of two (2) parcels, and the road right-of-way for Dale Road from South Military Trail to Donald Road; and

WHEREAS, the Village wishes to annex the one (1) enclave, consisting of two (2) parcels and the road right-of-way for Dale Road from South Military Trail to Donald Road; 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. 2012-26

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

Council Member Gunther offered the foregoing resolution.

Council Member Waller 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"/>
<u>JONI BRINKMAN</u> , VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PATTI WALLER</u> , MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>DOUG GUNTHER</u> , COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>SERGIO ESCALADA</u> , COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the Resolution duly passed and adopted this 29th day of MARCH 2012.

VILLAGE OF PALM SPRINGS, FLORIDA

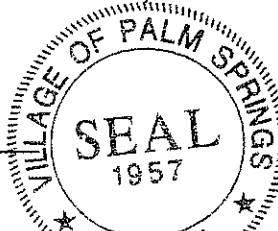
BY: [Signature]

BEV SMITH, MAYOR

ATTEST:

BY: Virginia M. Walton

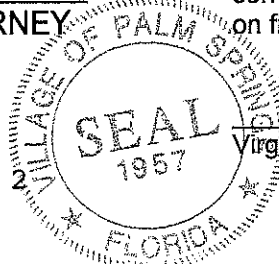
VIRGINIA M. WALTON, VILLAGE CLERK



REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: [Signature]

GLEN J. FORCIVIA, 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, MMC, Village Clerk

SAMPLE

March 1, 2012

Michael Goodwin
4289 Dale Road
West Palm Beach, Florida 33406

Re: 4289 Dale Road
00-42-44-13-05-002-0240

Legal Description: MILITARY HILL LOTS 24 & 25, BLOCK B

Dear Sir,

The Village of Palm Springs has annexed many quality properties as part of the Village Council initiative to provide enhanced services to property owners who share mutual concerns and interests. Your property at 4289 Dale Road is one such property that we are currently proposing to annex into the Village. The law allows this annexation to occur by Interlocal Agreement between the Village of Palm Springs and Palm Beach County. The County Commission's policy is to assist municipalities in annexing those contiguous properties, commonly called "pockets" or "enclaves" into the municipality that provides basic services to the area.

The public hearing for the resolution authorizing this annexation has been scheduled for March 29, 2012 at 7:30 p.m. at the Palm Springs Village Community Room, 226 Cypress Lane, Palm Springs, Florida.

The Palm Beach County Board of County Commissioners will also consider the Agreement for approval. Patricia Behn, Senior Planner for the County can be contacted at (561) 233-5300 for details concerning that meeting.

Sincerely,

Bette J. Lowe
Land Development Director

SAMPLE

March 1, 2012

Phillip Seager
2030 North Seacrest Boulevard
Boynton Beach, Florida 33435

Re: 4271 Dale Road
00-42-44-13-05-002-0260

Legal Description: MILITARY HILL LOT 26 BLOCK B

Dear Sir,

The Village of Palm Springs has annexed many quality properties as part of the Village Council initiative to provide enhanced services to property owners who share mutual concerns and interests. Your property at 4271 Dale Road is one such property that we are currently proposing to annex into the Village. The law allows this annexation to occur by Interlocal Agreement between the Village of Palm Springs and Palm Beach County. The County Commission's policy is to assist municipalities in annexing those contiguous properties, commonly called "pockets" or "enclaves" into the municipality that provides basic services to the area.

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Sincerely,

Bette J. Lowe
Land Development Director