

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	---	---	---	---	---
Operating Costs	---	---	---	---	---
External Revenues	<u>2,912</u>	<u>2,912</u>	<u>2,912</u>	<u>2,912</u>	<u>2,912</u>
Program Income (County)	---	---	---	---	---
In-Kind Match (County)	---	---	---	---	---
NET FISCAL IMPACT	<u><u>2,912</u></u>	<u><u>2,912</u></u>	<u><u>2,912</u></u>	<u><u>2,912</u></u>	<u><u>2,912</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:

The annual loss of tax revenue of \$2,912 is immaterial to the MSTU. The property is currently serviced by Martin County as part of the Palm Beach County - Martin County reciprocal agreement. If annexed, the property will be serviced by the City of Tequesta station #85, approximately 1.5 miles from the subject property.

C. Departmental Fiscal Review: Pat Dugastine

III. REVIEW COMMENTS

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

John Weber 6/18/12
 WS 6/19/12 OFMB SW 6/14/12 6/12/12
D. J. Forcolaro 6/21/12
 Contract Dev. and Control 6-21-12 B. Wheeler

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

INTERLOCAL AGREEMENT FOR ENCLAVE ANNEXATION

THIS INTERLOCAL AGREEMENT is made on this ____ day of _____, 2012 between the VILLAGE OF TEQUESTA, 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* (2011).

WHEREAS, Section 163.01, *Florida Statutes* (2011), 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), *Florida Statutes*, 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 unincorporated 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 Sections 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 or manmade obstacle that allows passage of vehicular traffic to the enclaves only through the Village; and

WHEREAS, the Village's Comprehensive Plan Future Land Use Element calls for the Village to "consider annexation of neighboring areas that are consistent with the character of the community, which can be provided facilities and services consistent with the levels of service standards established by the Village and which discourage urban sprawl" and the enclaves identified for annexation in this Interlocal Agreement are in the Village's annexation strategic plan analysis dated April 14 and November 10, 2011, and have been approved for annexation by the Village Council; 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 Village's 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 Tequesta 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 3. 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 Tequesta.

Section 4. Effective Date

This agreement shall take effect upon execution by both parties.

Section 5. 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 6. 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 and Tax Collector. The written notice describes the purpose of the Interlocal Agreement and states the date, time, and place of the meeting of the Village Council of the Village of Tequesta where this Interlocal Agreement is to be considered for adoption. The written notice also indicates 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 7. Captions

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

Section 8. Severability

In the event any section, paragraph, sentence, clause, or provision of this Agreement 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.

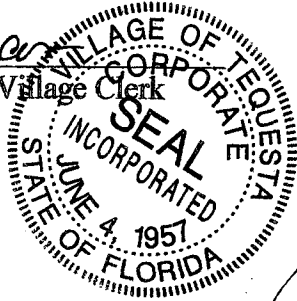
Section 9. Entire Agreement & Counterparts

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 TEQUESTA

ATTEST:

Lori McWilliams
Lori McWilliams, MMC, Village Clerk
(Seal)



[Signature]
Tom Paterno, Mayor

Approved as to Form and Legal Sufficiency

[Signature]
Keith W. Davis, Village Attorney

ATTEST:

SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Shelley Vana, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]
Assistant County Attorney

Exhibit A
Parcels by Enclave

**Exhibit A
County Line Road Unincorporated Enclave Areas**

Parcel	Property Address	Owner	Acres	Legal Description
Enclave 1				
00-42-40-25-00-001-0170	4534 County Line Rd	Mortensen, Kenneth & Mortensen Vanessa R	0.1492	25-40-42, N 140 FT OF W 65 FT OF E 215 FT OF GOV LT 1 (LESS N 40 FT COUNTY LINE RD R/W)
00-42-40-25-00-001-0010	4518 County Line Rd	Reed, Mary Jo	0.6554	25-40-42, E 150 FT OF N 190 FTOF GOV LOT 1
Enclave 2				
00-42-40-25-00-000-1140	4412 County Line Rd	Lawrence, Beth & Lawrence, Timothy	0.46	25-40-42, E 100 FT OF W 520 FTOF N 200 FT OF NW 1/4 OF NE 1/4
Enclave 3				
00-42-40-25-00-000-1130	4480 County Line Rd	Johnson, Harriett F	0.84	25-40-42, W 1/2 OF E 1/4 OF NW 1/4 OF NE 1/4 (LESS S 30 FT OF N 63 FT OF W 20 FT & PB52 P40)
00-42-40-25-00-000-1131	County Line Rd	Loxahatchee River Environmental District	0.0138	25-40-42, S 30 FT OF N 63 FT OF W 20 FT OF W 1/2 OF E 1/4 OF NW 1/4 OF NE 1/4

Source: Property Appraiser Data

VILLAGE OF TEQUESTA

COUNTY LINE ROAD UNINCORPORATED ENCLAVE AREAS

Table 1. General Description

Parcel	Address	PCN	Owner	Size (Acres)	Current Palm Beach County		Proposed Village of Tequesta	
					Future Land Use	Zoning	Future Land Use	Zoning
1	4534 County Line Rd.	00424025000010170	MORTENSEN KENNETH & MORTENSEN VANESSA R	0.1492	LR-3	AR	MD	R-2
2	4518 County Line Rd.	00424025000010010	REED MARY JO	0.6554	LR-3	RS	MD	R-2
3	4412 County Line Rd.	00424025000001140	LAWRENCE TIMOTHY & LAWRENCE BETH	0.46	MR-1	RS	LD	R-1
4	4480 County Line Rd.	00424025000001130	JOHNSON HARRIETT F	0.84	LR-3	AR	LD	R-1
5	County Line Rd.	00424025000001131	LOXATHATCHEE RIVER ENVIRONMENTAL DISTRICT	0.0138	LR-3	RS	LD	R-1
TOTAL				2.1184				

Notes:

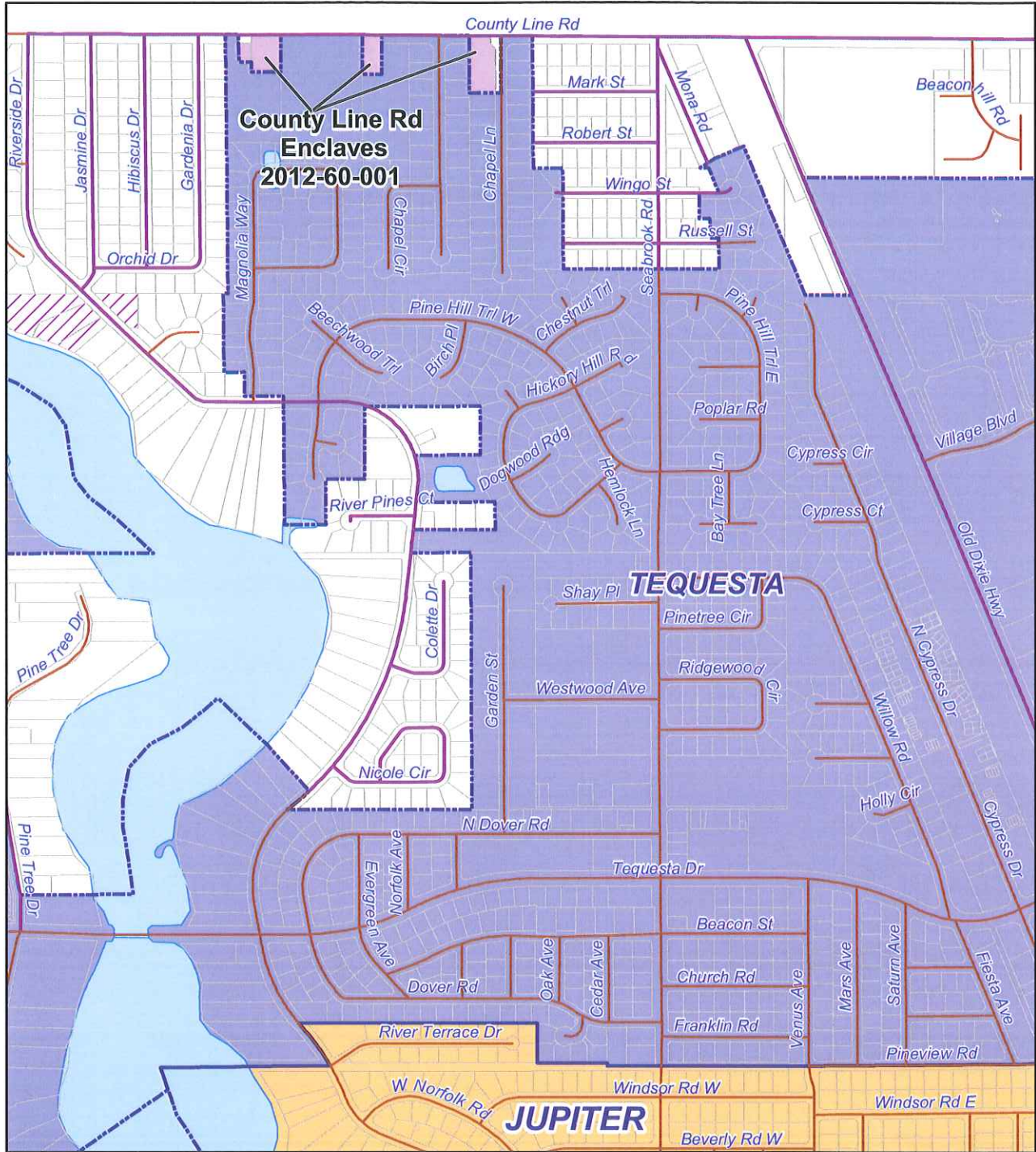
Per Palm Beach County Future Land Use and Zoning Designations:

- LR-3: Low Density Residential, 3 units per acre.
- MR-1: Medium Density Residential, 5 units per acre.
- RS: Residential Single-Family.
- AR: Agricultural Residential.

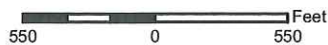
Per Village of Tequesta Future Land Use and Zoning Designations:

- MD- Medium Density (5.4 – 12.0 D.U.'s per acre).
- LD- Low Density (Maximum 5.4 D.U.'s per acre).
- R-1- Single Family Dwelling District.
- R-2- Multiple Family Dwelling District.

Annexation Location Map



Updated: 5/16/2012
 Contact: Nicole Delsoln
 Filename: N:\Division PA\Annex\FY2012
 Note: Map is not official, for informational purposes only
 Source: ROW Maintenance Data PBC Engineering
 Dept 2010 pbgis1 SDE GEODATA.CENTERLINE_LN



Planning, Zoning & Building
 2300 N. Jog Rd.
 West Palm Beach, FL 33411
 Phone (561) 233-5300



RESOLUTION NO. 13-12

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AUTHORIZING THE MAYOR OF TEQUESTA TO SIGN AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SEC 163.01 AND SEC. 171.046, F.S., FOR THE ANNEXATION OF THREE ENCLAVES CONSISTING OF FIVE PARCELS TOTALING LESS THAN TEN ACRES, AS MORE FULLY DESCRIBED IN THE ATTACHED INTERLOCAL AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Palm Beach County has identified three (3) unincorporated enclaves located adjacent to County Line Road and otherwise surrounded by land that is located within the Village, as more fully described in the attached interlocal agreement; and

WHEREAS, said enclaves are comprised of five separate parcels of land and amount to less than ten acres in total size; and

WHEREAS, the Village Council desires to annex said enclaves into the Village; and

WHEREAS, Sec. 171.046, F.S. provides that such enclaves may be annexed into the Village pursuant to an interlocal agreement between the Village and Palm Beach County; and

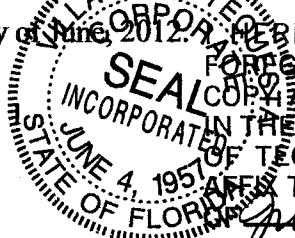
WHEREAS, the Village Council of the Village of Tequesta, Florida believes that the annexation of said enclaves will serve to promote the public health, safety and welfare, and hereby authorizes the Mayor of Tequesta to execute the attached interlocal agreement to effectuate said annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, THAT:

Section 1: The Village Council of the Village of Tequesta, a municipal corporation, hereby approves the interlocal agreement attached hereto as Exhibit "A", and authorizes its Mayor to execute the interlocal agreement.

Section 2: This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 14th day of June, 2012. I HEREBY CERTIFY THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY APPEARING FROM THE RECORDS OF THE VILLAGE CLERK'S OFFICE VILLAGE OF TEQUESTA, FLORIDA AND HEREBY AFFIX THE OFFICIAL SEAL THIS 18 DAY OF June, 2012



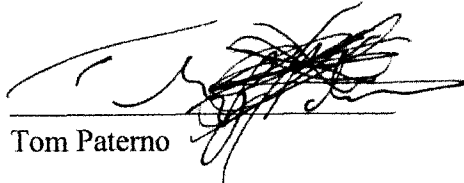
Lori McWilliams
LORI McWILLIAMS, VILLAGE CLERK

The foregoing Resolution was offered by Council Member D'Ambra who moved its adoption. The motion was seconded by Council Member Okun and upon being put to a vote, the vote was as follows:

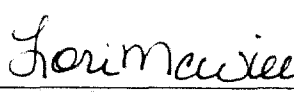
	For Adoption	Against Adoption
Mayor Tom Paterno	X	
Vice-Mayor Vince Arena	X	
Council Member Abby Brennan	X	
Council Member Frank D'Ambra	X	
Council Member Steve Okun	X	

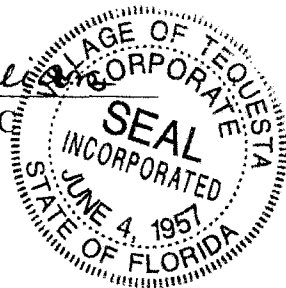
The Mayor thereupon declared the Resolution duly passed and adopted this 14th day of June, 2012.

MAYOR OF TEQUESTA


Tom Paterno

ATTEST:


Lori McWilliams, MMC
Village Clerk





VILLAGE OF TEQUESTA

357 Tequesta Drive
Tequesta, FL 33469

May 21, 2012

Mr. & Mrs.
Timothy and Beth Lawrence
4412 County Line Road
Tequesta, FL 33469-2146

Re: Interlocal Agreement between Village of Tequesta and Palm Beach County –
PCN 00-42-40-25-00-000-1140

Dear Mr. and Mrs. Lawrence:

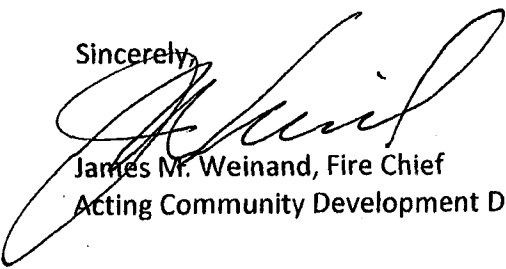
The Village of Tequesta hereby gives notice that the Village Council will consider adopting an Interlocal Agreement with Palm Beach County for the annexation of your property, located at 4412 County Line Road, on Thursday, June 14, 2012 at 6:00 pm at the Village Council Chambers at 345 Tequesta Drive, Tequesta, Florida.

Your property meets the criteria for the enclave annexation through an Interlocal Agreement with the county pursuant to Section 171.046, Florida Statutes.

Following consideration by the Village of Tequesta Council, the Interlocal Agreement will be considered by the Palm Beach County Board of County Commissioners (BCC). Please contact Patricia Behn at 561.233.5332 for information concerning the date, time and place when the BCC will consider the adoption of the Interlocal Agreement.

Should you have any questions, or require any additional information, please do not hesitate to contact me at 561.768.0557.

Sincerely,


James M. Weinand, Fire Chief
Acting Community Development Director

cc: Nilsa Zacarias, AICP
Village Planner