

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	---	==	==	==	==
# 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 provide protection to this area.

C. Departmental Fiscal Review: *Pat D'Agostino*

III. REVIEW COMMENTS

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

[Signature]
 OFMB
 7/24/12
[Initials]

[Signature] 7/26/12
 Contract Dev. and Control
 7-25-12 *[Initials]*

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

[Signature]
 Department Director

Attachment 1

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 (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 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 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. 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:

Chairman

By: _____
Deputy Clerk

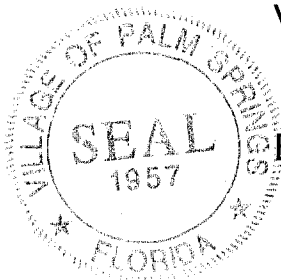
(Seal)

Approved as to Form and Legal Sufficiency

County Attorney

VILLAGE OF PALM SPRINGS

ATTEST:



Bev Smith, Mayor

Virginia M Walton
Virginia Walton, Village Clerk

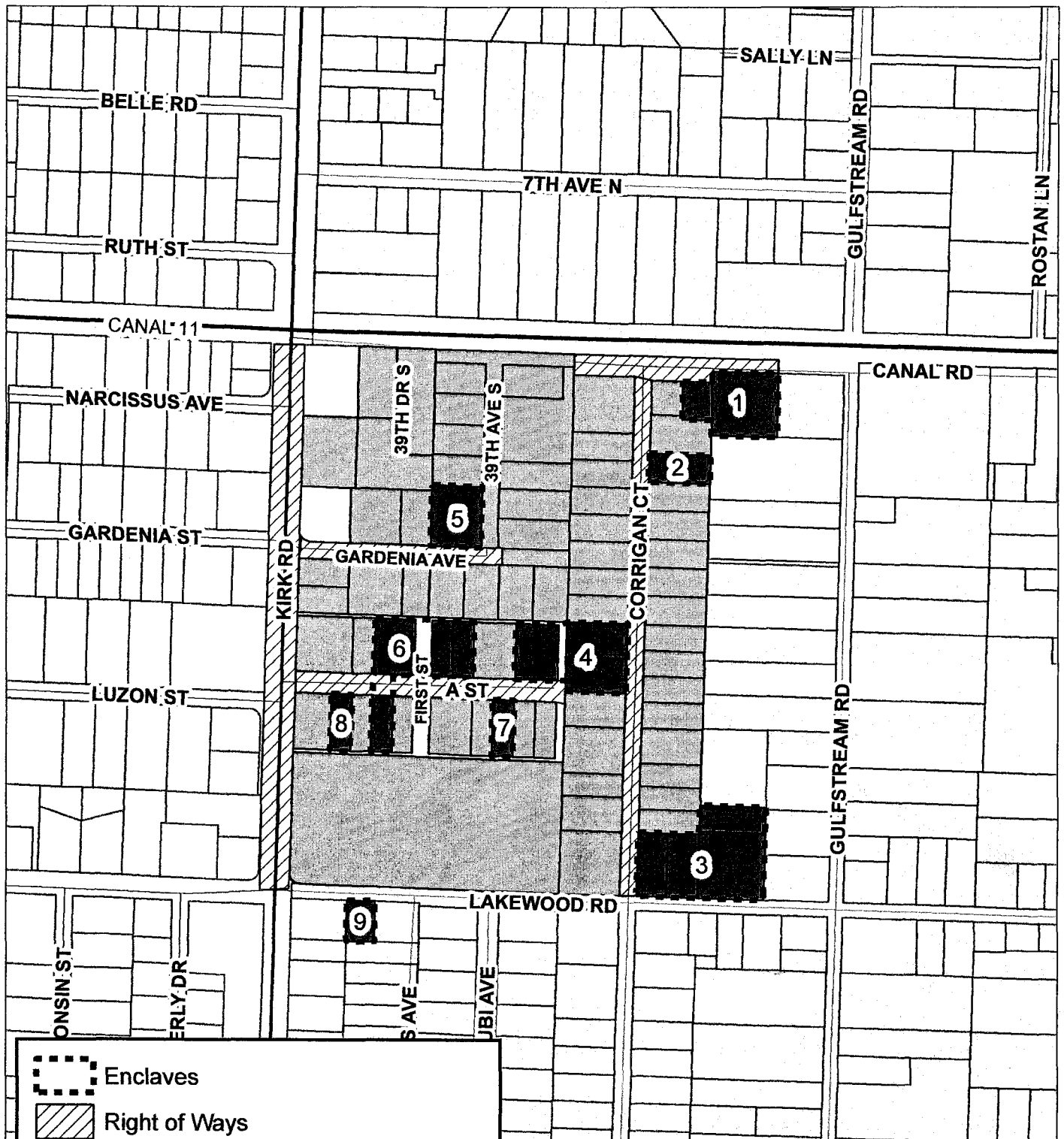
(Seal)






Approved as to Form and Legal Sufficiency

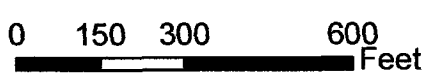
[Signature]
Village Attorney

VILLAGE OF PALM SPRINGS

Annexation



-  Enclaves
-  Right of Ways
-  Voluntary Annexation Ord 2012-20
-  Involuntary Annexation Res 2012-46
-  Village Limits



DATE: 7/12/2012

**Exhibit A
Parcels by Enclave**

PCN	Property Address	Acres	Owner	Legal Description
00-43-44-19-11-003-0095	3818 Canal Road	0.14	3L Real Estate LLC	LAKEWOOD GARDENS PLAT 1 E 70 FT OF N 88 FT OF S 581.9 FT OF TR 9 BLK 3
00-43-44-19-11-003-0072	3798 Canal Road	0.54	Margarita Hernandez	LAKEWOOD GARDENS PL 1 N 150 FT OF S 600 FT OF W 2 FT OF TR 7 & N 150 FT OF S 600 FT OF TR 8 BLK 3
00-43-44-19-11-003-0098	3558 Corrigan Court	0.22	Fred Taylor	LAKEWOOD GARDENS PLAT 1 N 67 FT OF S 402.96 FT OF TR 9 /LESS W 20 FT RD R/W/ BLK 3
00-43-44-19-11-003-0045	3715 Lakewood Road	0.22	Nousuffie Dorvil	LAKEWOOD GARDENS PL NO 1 N 60 FT OF S 217.18 FT OF TR 4 BLK 3
00-43-44-19-11-003-0041	3797 Lakewood Road	0.56	Juan Roman	LAKEWOOD GARDENS PL 1 S 157.18 FT OF TR 4 BLK 3
00-43-44-19-11-003-0039	3819 Lakewood Road	0.26	Llewellyn Thomas	LAKEWOOD GARDENS PLAT 1 S 150 FT OF E 75 FT OF TR 3 BLK 3
00-43-44-19-11-003-0031	3835 Lakewood Road	0.24	Christiana Scocchera	LAKEWOOD GARDENS PL 1 S 150 FT OF W 90 FT OF TR 3 /LESS W 20 FT RD R/W/ BLK 3
00-43-44-19-11-003-0028	3635 Corrigan Court	0.27	Garland Brown	LAKEWOOD GARDENS PLAT 1 N 80.5 FT OF TR 2 /LESS E 20 FT RD R/W/ BLK 3
00-43-44-19-11-003-0027	3647 Corrigan Court	0.27	Roxanne Auld	LAKEWOOD GARDENS PLAT 1 N 81 FT S 555 FT OF TR 2/LESS E 20 FT RD R/W/ BLK 3
00-43-44-19-19-003-0050	3891 A Street	0.3	Imtiaz Mohammed	TALL PINES LTS 5 & 6 INC BLK 3
00-43-44-19-11-003-0116	3581 39 th Avenue	0.4	David Chase	LAKEWOOD GARDENS PLAT 1 W 120 FT OF N 143.92 FT OF S 313.92 FT OF TR 11 BLK 3
00-43-44-19-19-003-0010	3951 A Street	0.15	Stephan Esser	TALL PINES LT 1 BLK 3 & LTS 5 & 6 BLK 4
00-43-44-19-19-001-0050	3956 A Street	0.15	Wilmer Sardinas	TALL PINES LT 5 BLK 1
00-43-44-19-19-003-0020	3921 A Street	0.15	Pascal Cadet	TALL PINES LT 2 BLK 3
00-43-44-19-19-002-0040	3902 A Street	0.15	Eglys Barroso	TALL PINES LT 4 BLK 2
00-43-44-19-19-001-0030	3974 A Street	0.1492	Marco Hernandez	TALL PINES LT 3 BLK 1
00-43-44-19-20-066-0012	3960 Lakewood Road	0.17	William Morrison	SUB 19-4-41, N 110 FT OF W 66 FT OF THE E 172 FT OF TR 66

**Exhibit B
Right-of-Way Segment To Be Annexed**

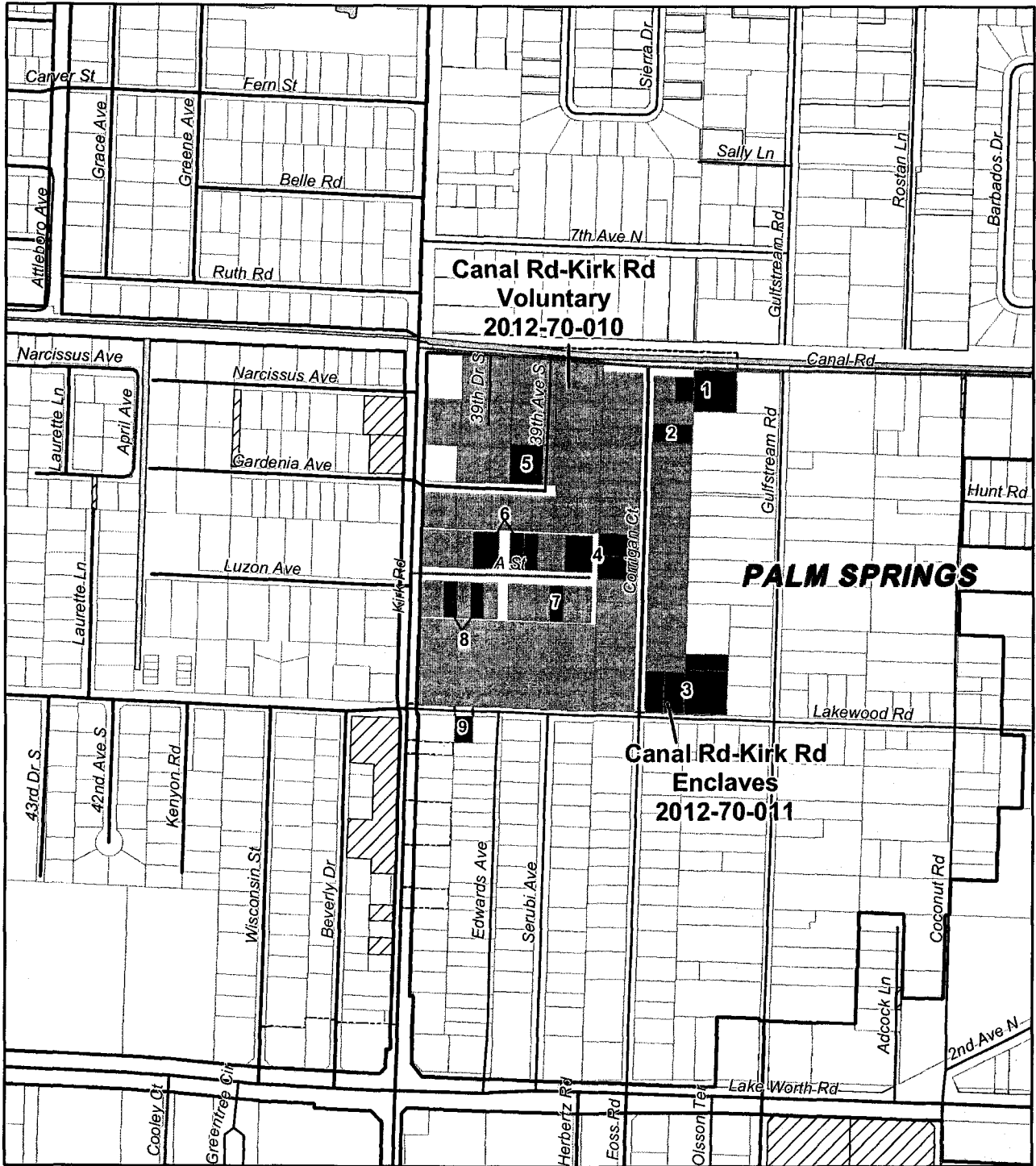
Right-of-Way	Segment
Corrigan Court	Entire segment from Canal Road to Lakewood Road
A Street	Entire segment from Kirk Road to dead end
Gardenia Avenue	Entire segment from Kirk Road to dead end
Canal Road	Entire segment from Village limits west 485 feet
1 st Street	Entire segment
8' Alley	Entire alleyway as described in Palm Beach County PB 13, pg. 41
Kirk Road	Entire segment from Canal Road to Lakewood Road

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

Right-of-Way	Segment
Corrigan Court	Entire segment from Canal Road to Lakewood Road
A Street	Entire segment from Kirk Road to dead end
Gardenia Avenue	Entire segment from Kirk Road to dead end

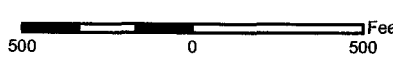
Attachment 2

Annexation Location Map



- | | | |
|----------------------|---------------------------------|--|
| Voluntary Annexation | Water | County ROW Maintenance
County Maintained
Courtesy Maintained
Other ROW Maintenance
State Maintained
Other |
| Enclaves Interlocal | Palm Beach County Owned Parcels | |
| Municipality | CCRT Area | |

Updated: 6/25/2012
 Contact: Nicole Delsol
 Filename: N:\Division PR\Annex\FY2012
 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



Attachment 3

RESOLUTION NO. 2012-60

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING RESOLUTION NO. 2012-46, BY APPROVING A REVISED EXHIBIT "C" TO THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING NINE (9) ENCLAVES, CONSISTING OF A TOTAL OF SEVENTEEN (17) PARCELS, OF TEN ACRES OR LESS, AND SEVEN (7) 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") adopted Resolution No. 2012-46 on June 28, 2012, executing an Interlocal Agreement with Palm Beach County for the annexation of nine (9) enclaves, consisting of a total of seventeen (17) parcels of land, as described in **Exhibit "A"**, annexing seven (7) road rights-of-way segments, as described in **Exhibit "B"**, and accepting the operating and maintenance of five (5) road rights-of-way segments that previously were operated and maintained by Palm Beach County, as described in **Exhibit "C"**; and

WHEREAS, Palm Beach County has determined that two (2) of the five road rights-of-way segments in **Exhibit "C"** are private roads; and transfer of operation and maintenance is not authorized; and

WHEREAS, the Village still wishes to annex the nine (9) enclaves, consisting of a total of seventeen (17) parcels and the seven (7) road rights-of-way; which are more fully described in **Exhibit "A"** and **Exhibit "B"** to the approved Interlocal Agreement; and has agreed to revise **Exhibit "C"** of the previously approved Interlocal Agreement to show only three (3) road rights-of-way segments to be transferred to the operation and maintenance of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS FOLLOWS:

Resolution No. 2012-60

Section 1. The Village of Palm Springs, Florida hereby agrees to the terms and conditions of that certain revised **Exhibit "C"** to the previously approved 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 revised 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.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, 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 26th day of JULY 2012.

Resolution No. 2012-60

VILLAGE OF PALM SPRINGS, FLORIDA

BY: Joni S. Brinkman for
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

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS



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