

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

Agenda Item #:

4F-1

AGENDA ITEM SUMMARY

Meeting Date: 12/4/2012       Consent       Regular  
    Workshop       Public Hearing

Department:                      Planning, Zoning & Building Department

Submitted By:                    Planning Division

Submitted For:                  Planning Division

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I. EXECUTIVE BRIEF

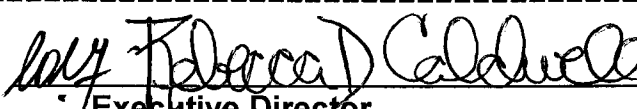
**Motion and Title:** Staff recommends motion to approve: An interlocal agreement with the Village of Palm Springs providing for the annexation of one enclave, generally located on the west side of Miller Road and north of Second Avenue North.

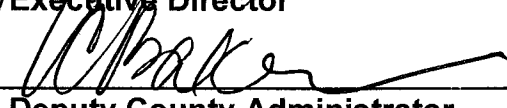
**Summary:** The Board of County Commissioners (BCC) has directed staff to work with municipalities to strategically address annexations. Chapter 171, Florida Statutes (F.S.), allows annexation of enclaves less than 10 acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 2012-64, adopted on September 27, 2012, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of one enclave consisting of a parcel totaling 0.17 acre, as identified in Exhibit A of the interlocal agreement. The Village has provided written notice the owner of real property located in the enclave. 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 enclave as eligible for annexation pursuant to Section 171.046, F.S. By Resolution No. 2012-64 adopted on September 27, 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 Exhibit A
  - 2. Annexation Location Map
  - 3. Village of Palm Springs Resolution 2012-64

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Recommended By:       10/10/12  
   Executive Director                                      Date

Approved By:       10/24/12  
   Deputy County Administrator                                      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	---	---	---	---	---
Operating Costs	---	---	---	---	---
External Revenues	---	---	---	---	---
Program Income (County)	---	---	---	---	---
In-Kind Match (County)	---	---	---	---	---
NET FISCAL IMPACT	<u>X</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 anticipated fiscal impact associated with this annexation. Palm Beach County Fire Rescue provides fire protection and emergency medical services to the Village of Palm Springs, if annexed citizens would continue to receive service from the same station. If annexed, it will have no fiscal impact on the Fire Rescue MSTU.

C. Departmental Fiscal Review: Pat D'Agostino

**III. REVIEW COMMENTS**

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

[Signature] 10/18/12  
OFMB

[Signature] 10/22/12  
Contract Dev. and Control  
10-19-12 BWhelan

**B. Legal Sufficiency:**

[Signature]  
Assistant County Attorney

**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 (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), 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 enclave 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 parcel 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 enclave which is 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 enclave identified in Exhibit "A", which is attached hereto and made a part hereof, is hereby annexed into and is included in the corporate boundaries of the Village of Palm Springs.

#### 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 the owner of real property located in the enclave identified in Exhibit "A" whose name and address is 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 7. Captions

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

#### Section 8. 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 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.

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

ATTEST:

\_\_\_\_\_

Chair

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

(Seal)

Approved as to Form and Legal Sufficiency

  
\_\_\_\_\_

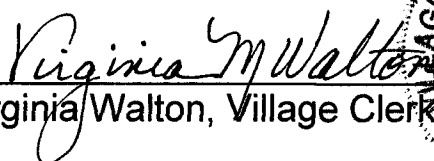
County Attorney

VILLAGE OF PALM SPRINGS

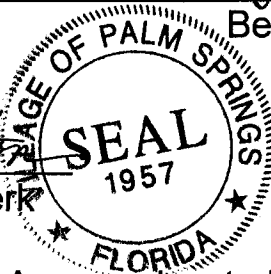
ATTEST:

  
\_\_\_\_\_

Bev Smith, Mayor


  
\_\_\_\_\_

Virginia Walton, Village Clerk



(Seal)

Approved as to Form and Legal Sufficiency

  
\_\_\_\_\_

Village Attorney

Exhibit "A"

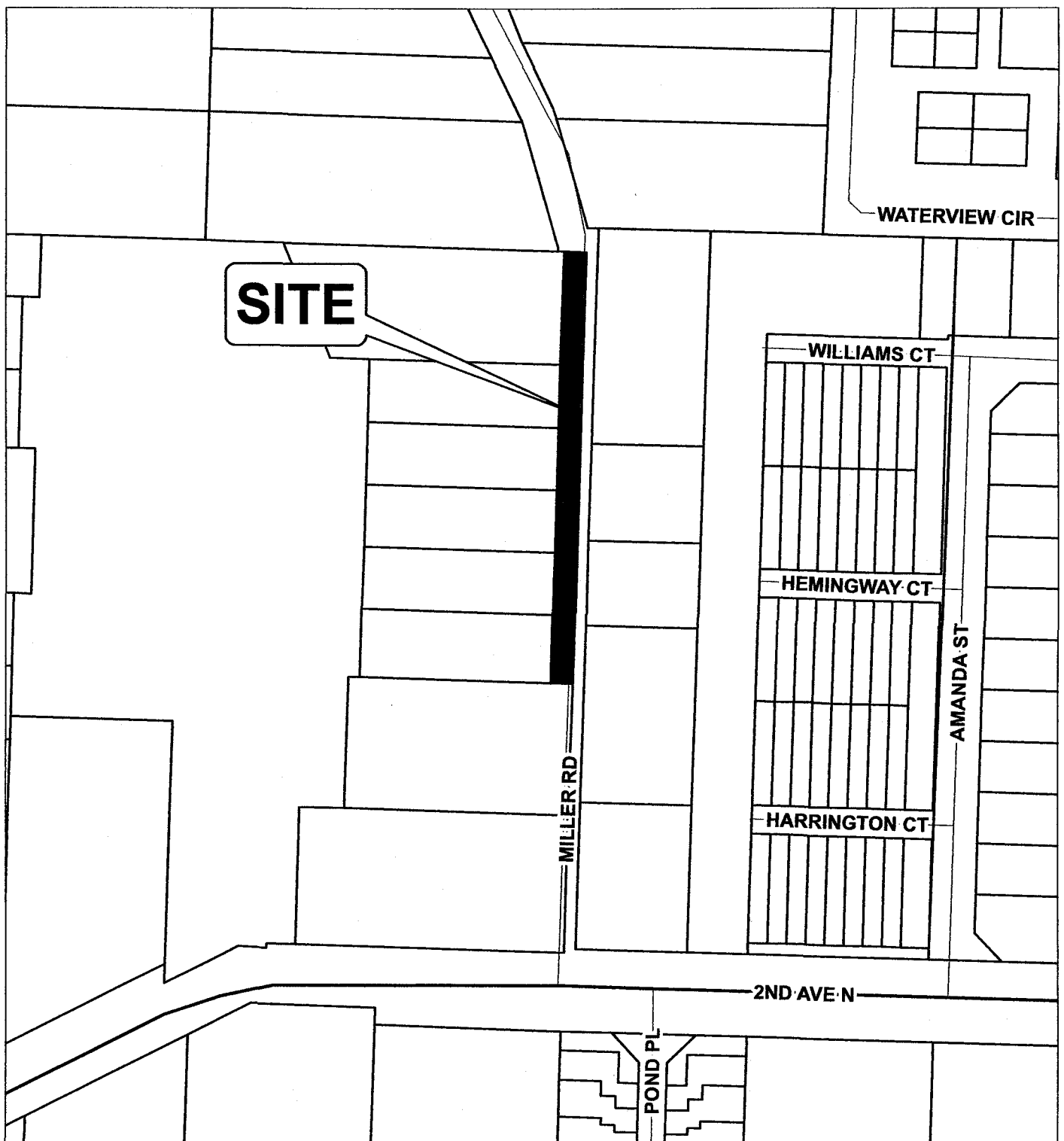
PCN: 00-43-44-19-20-057-0090

Legal Description: SUB 19-44-43 E 20 FT TR 57 (LESS N 18 FT & S 251.5 FT)

Resolution 2012-64

# VILLAGE OF PALM SPRINGS

Annexation



 Res 2012-64

0 75 150 300 Feet



DATE: 8/6/2012



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**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

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

ATTEST:

\_\_\_\_\_

Chair

By: \_\_\_\_\_

Deputy Clerk

(Seal)

Approved as to Form and Legal Sufficiency

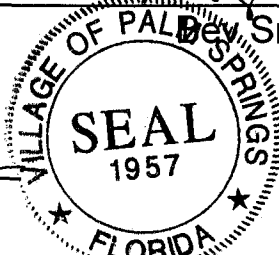
\_\_\_\_\_  
County Attorney

VILLAGE OF PALM SPRINGS

ATTEST:

\_\_\_\_\_  
DeV Smith, Mayor

\_\_\_\_\_  
Virginia Walton, Village Clerk



(Seal)

Approved as to Form and Legal Sufficiency

\_\_\_\_\_  
Village Attorney

Exhibit "A"

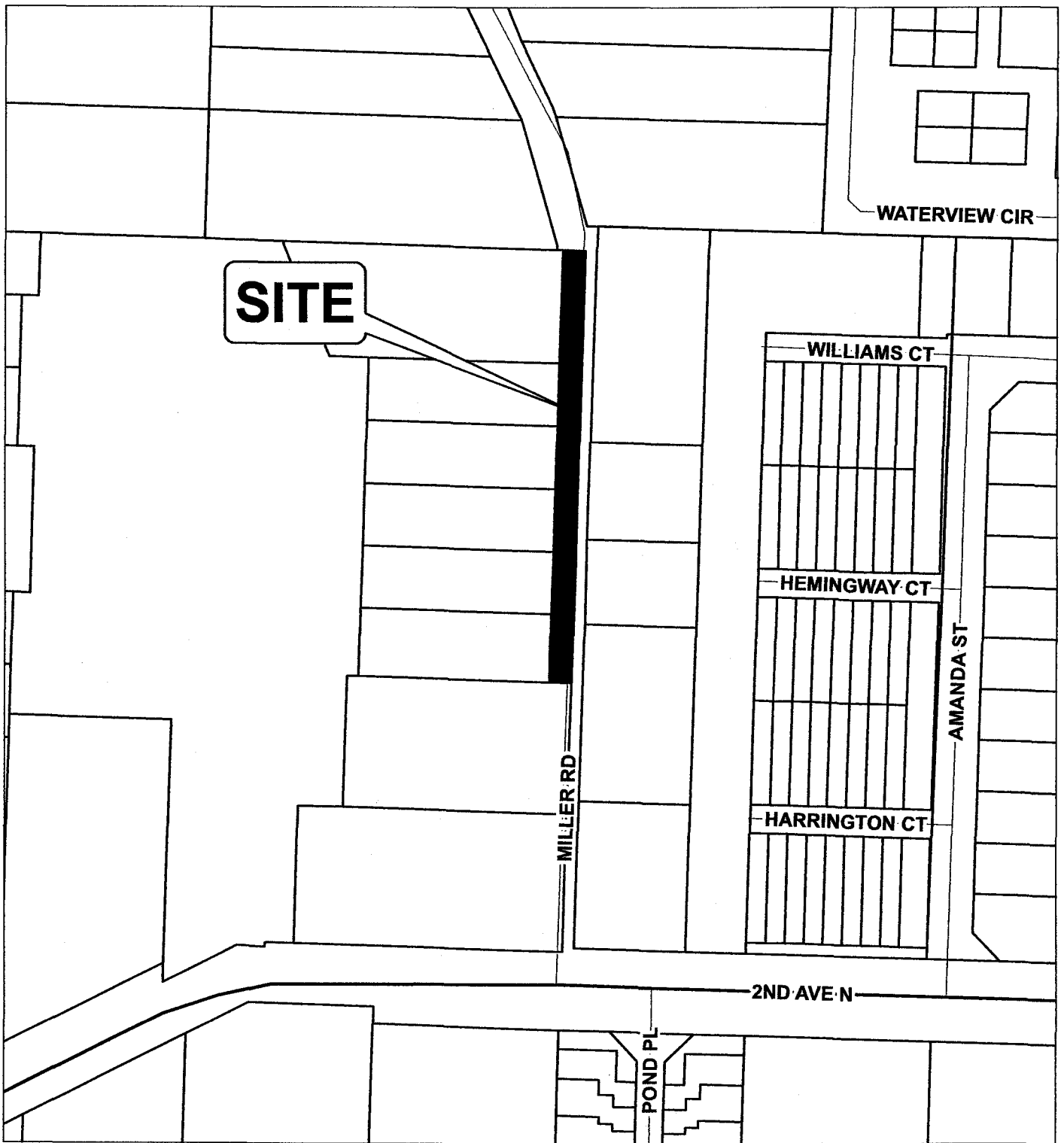
PCN: 00-43-44-19-20-057-0090

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Resolution 2012-64

# VILLAGE OF PALM SPRINGS

Annexation



 Res 2012-64









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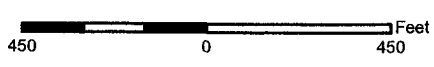
DATE: 8/6/2012

# Annexation Location Map



 Newly Proposed Annexation	 Water	<b>County ROW Maintenance</b>
 Municipality	 Palm Beach County Owned Parcels	 County Maintained
		 Courtesy Maintained
		<b>Other ROW Maintenance</b>
		 State Maintained
		 Other

Updated: 8/20/2012  
 Contact: Nicole Delsoin  
 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



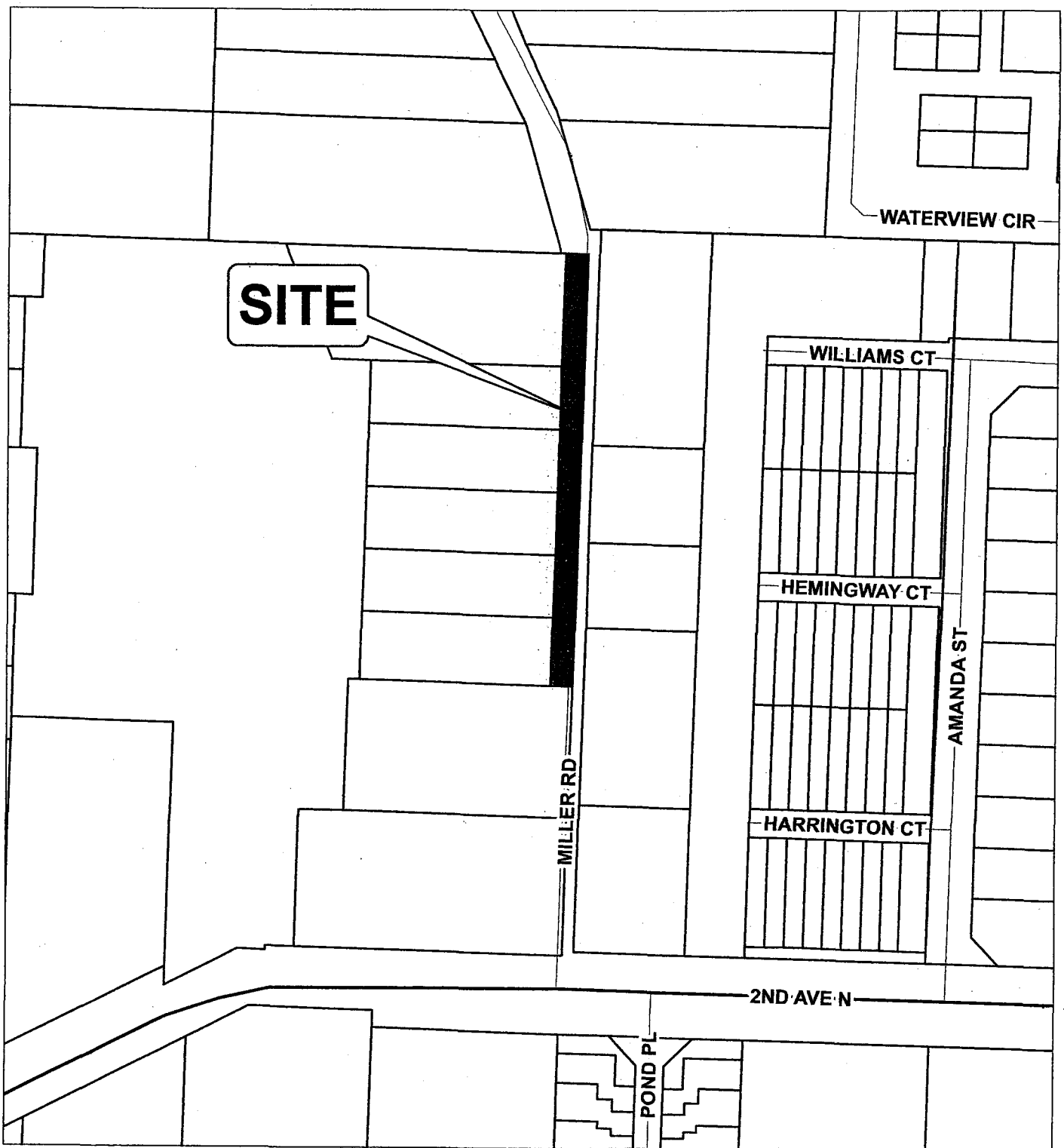
**Planning, Zoning & Building**  
 2300 N. Jog Rd.  
 West Palm Beach, FL 33411  
 Phone (561) 233-8300



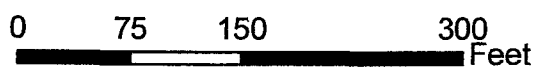
Resolution 2012-64

# VILLAGE OF PALM SPRINGS

Annexation



 Res 2012-64



DATE: 8/6/2012



**RESOLUTION NO. 2012-64**

**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 A ROAD RIGHT-OF-WAY LOCATED ON MILLER 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 a road right-of-way located on Miller Road; and

**WHEREAS**, the Village wishes to annex the one (1) enclaves, consisting of a road right-of-way located on Miller Road; which is 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. 2012-64

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

Council Member Escalada offered the foregoing resolution.

Council Member Gunther 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"/>
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"/>

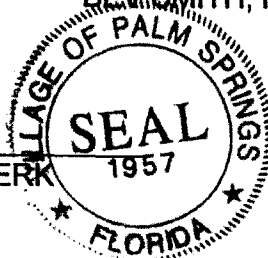
The Mayor thereupon declared the Resolution duly passed and adopted this 27<sup>th</sup> day of ~~AUGUST~~ 2012.  
SEPTEMBER

VILLAGE OF PALM SPRINGS, FLORIDA

BY: [Signature]  
BEV. SMITH, MAYOR

ATTEST:

BY: [Signature]  
VIRGINIA M. WALTON, VILLAGE CLERK



REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: [Signature]  
GLEN J. TORCIVIA, VILLAGE ATTORNEY