

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: 12/16/2014       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 7 enclaves, generally located north of Lake Worth Road, east of Military Trail.

**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. 2014-62 adopted on November 13, 2014, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of 7 enclaves consisting of 40 parcels totaling 9.71 acres, as identified in Exhibit A of the Interlocal Agreement. The Interlocal Agreement also provides for the annexation of the right-of-way segments identified in Exhibit B of the Interlocal Agreement, as well as the transfer of ownership and maintenance of the right-of-way segments identified in Exhibits C and D of the Interlocal Agreement. 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; Sheriff's Office; and the Office of Financial Management and Budget. The Village has provided written notice to all owners of real property located within the enclaves. 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 (RPB)

**Background and Policy Issues:** The Village of Palm Springs has identified 7 enclaves as eligible for annexation pursuant to Section 171.046, F.S. By Resolution No. 2014-62 adopted on November 13, 2014, the Village has petitioned the County to enter into an Interlocal Agreement for the annexation of these enclaves. These 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, developed property, and meets the definition of an enclave by being surrounded on all sides 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. The proposed annexation is also consistent with the Village's annexation plan, and situated within its Future Annexation Area.

- Attachments:** 1. Interlocal Agreement with Exhibits A, B, C and D of the Interlocal Agreement  
2. Village of Palm Springs Resolution 2014-62  
3. County Staff Report

Recommended By: Rebecca J. Caldwell      11/17/14  
Executive Director      Date

Approved By: [Signature]      11/16/14  
Deputy County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	___	___	___	___	___
Operating Costs	___	___	___	___	___
External Revenues	___	___	___	___	___
Program Income (County)	___	___	___	___	___
In-Kind Match (County)	___	___	___	___	___
<b>NET FISCAL IMPACT</b>	<u><del>___</del></u>	<u>___</u>	<u>___</u>	<u>___</u>	<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 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.

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

**III. REVIEW COMMENTS**

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

*Susan Neary 11/19/14*  
*ASD* *ASD* *OFMB*  
*11/17* *11/17*

*Barbara Wheeler 11-20-14*  
**Contract Dev. and Control**  
*for*

**B. Legal Sufficiency:**

*NTORS*  
**Assistant County Attorney**

**C. Other Department Review:**

*MR. McConnell*  
**Department Director**

## INTERLOCAL AGREEMENT

**THIS INTERLOCAL AGREEMENT** is made on this \_\_\_\_ day of \_\_\_\_\_, 2014 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 (2013).

**WHEREAS**, Section 163.01, Florida Statutes (2013), 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 171.046, Florida Statutes (2013), 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 (2013), 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 (2013), 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 (2013), 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 parcels 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;

**WHEREAS**, upon the effective date of this interlocal agreement, the Village acknowledges ownership of, and maintenance responsibility for, the alleys and rights-of-way not owned or maintained by the County, that were previously dedicated to the public, unless otherwise specified in Exhibits C and D.

**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 (2013).
2. "Act" means Part 1 of Chapter 163, Florida Statutes (2013).
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 (2013), to the transfer of the responsibility for ownership, 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. Assumption of Ownership and Responsibility of Other Public Dedications

Approval of this interlocal agreement by both parties constitutes mutual agreement by the Village and County that other rights-of-way, alleys, and/or easements, including but not limited to those identified in Exhibit "D", dedicated to the public via recorded plat shall be owned by the Village and become the responsibility of the Village for operation and maintenance upon the effective date of the annexation.

### Section 7. Effective Date

This agreement shall take effect upon execution by both parties.

Section 8. 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 9. 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 10. Captions

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

Section 11. 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 12. 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 to 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.

*remainder of page intentionally left blank*

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

ATTEST:

\_\_\_\_\_  
Mayor

By:

\_\_\_\_\_  
Deputy Clerk

(Seal)

Approved as to Form and Legal Sufficiency

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

VILLAGE OF PALM SPRINGS

ATTEST:

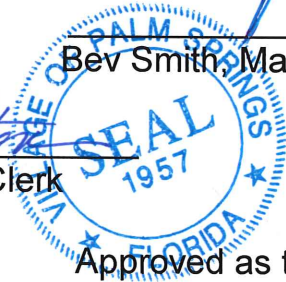
\_\_\_\_\_  
Bev Smith, Mayor

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

(Seal)

Approved as to Form and Legal Sufficiency

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



## Exhibit A Parcel within Enclave

Lake Worth/Military Enclaves (Phase IIIc)

Resolution 2014-62

Map ID#	PCN	Address	Owner	Acres	Assessed Values	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
3	00-42-44-24-00-000-5131	4331 Lake Worth Road	CNL Restaurant Net Lease (Pollo Tropical)	0.46	\$597,665	Urban Center	UC	Commercial	CG
5	00-42-44-24-34-000-0010	4301 Lake Worth Road	Pep Boys Manny Moe & Jack	2.37	\$1,796,580	Urban Center	UC	Commercial	CG
28	00-42-44-24-33-001-0070, 00-42-44-24-33-001-0010, 00-42-44-24-33-001-0020, 00-42-44-24-33-001-0030, 00-42-44-24-33-001-0040, 00-42-44-24-33-001-0060, 00-42-44-24-33-001-0080, 00-42-44-24-33-001-0090, 00-42-44-24-33-001-00100, 00-42-44-24-33-001-0110, 00-42-44-24-33-001-0120, 00-42-44-24-33-002-0010, 00-42-44-24-33-002-0020, 00-42-44-24-33-002-0030, 00-42-44-24-33-002-0040, 00-42-44-24-33-002-0050, 00-42-44-24-33-002-0060, 00-42-44-24-33-001-0050	4400 & 4401 Charlotte Street	various - Duthie Freeman Centre (commercial) Condominium	3.00	\$1,538,372	Urban Center	UC	Commercial	CG
29	00-42-44-24-39-000-4376, 00-42-44-24-39-000-4378, 00-42-44-24-39-000-4380, 00-42-44-24-39-000-4382, 00-42-44-24-39-000-4384, 00-42-44-24-39-000-4386, 00-42-44-24-39-000-4388, 00-42-44-24-39-000-4390, 00-42-44-24-39-000-4392, 00-42-44-24-39-000-4394, 00-42-44-24-39-000-4396, 00-42-44-24-39-000-4398	4376 Lakewood Road	varies - Gem Cove condominium	1.5	\$384,000	Urban Center	UC	Commercial	CG
30	00-42-44-24-00-000-5680	Lake Worth Road	Bellsouth Telecommunications inc	0.48	\$146,157	Urban Center	UC	Commercial	CG
36	00-42-44-24-00-000-5160	4423 Lakewood Road	Kenneth Webb	0.34	\$145,914	Urban Infill	UI	Commercial	CG
37	00-42-44-24-00-000-5140	4389 Lakewood Road	Edgar Pizarro	0.20	\$49,380	MR5	RM	Medium Density Residential	RM
38	00-42-44-24-00-000-5150	4381 Lakewood Road	Yipsy Ruiz	0.15	\$68,788	MR5	RM	Medium Density Residential	RM
41	00-42-44-24-32-010-0160	4445 Boatman Street	Susan E Eunice	0.31	\$62,492	Urban Infill	UI	Commercial	CG
55	00-42-44-24-16-000-0230	3605 Patio Court	Federal National Mortgage Assn	0.26	\$78,560	MR5	RM	Medium Density Residential	RM
56	00-42-44-24-16-000-0260	3649 Patio Court	Donald Pickett	0.26	\$54,584	MR5	RM	Medium Density Residential	RM
57	00-42-44-24-00-000-5712	3832 43rd Drive South	Joseph Cius	0.38	\$151,978	HR8	RM	Medium Density Residential	RM

Total Acres 9.71

\$5,074,470



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

<b>Rights-of-Way</b>	<b>Segment</b>
Lake Worth Road	Entire segment from Military Trail to Greentree Circle
Military Trail	Eastern half from Clinton Boulevard to Lake Worth Road
Childs Street	Lake Worth Road to Cross Street
Cross Street (unimproved, platted r/w)	Entire segment from Military Trail to Price Street (see legal description in Attachment A)
Price Street	Entire segment from Lake Worth Road to Cross Street
N. Price Street	Entire segment from Lake Worth Road to dead end
Charlotte Street	Entire segment from Military Trail to dead end
Lakewood Road	Entire segment from 43 <sup>rd</sup> Drive South to Military Trail
Boatman Street	Entire segment from Military Trail to dead end
Todd Street	Entire segment from Military Trail to dead end
Clemens Street	Entire segment from Military Trail to dead end

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

<b>Rights-of-Way</b>	<b>Segment</b>
Childs Street	Entire segment from Lake Worth Road south to Cross Street
N. Price Street	Entire segment from Lake Worth Road to dead end
Lakewood Road	Entire segment from Kirk Road west to Military Trail
43 <sup>rd</sup> Drive South	Entire segment from Lakewood Road south to dead end

**Exhibit D**

**Other Rights-of-Way, Alleys or Easements Dedicated to the Public  
For which ownership and maintenance will be assumed by the Village**

<b>Rights-of-Way</b>	<b>Segment</b>
Cross Street (unimproved, platted r/w)	Entire segment from Military Trail to Price Street (see legal description in Attachment 1)

## Attachment 1

### LEGAL DESCRIPTION OF RIGHT-OF-WAY KNOWN AS CROSS STREET (an unimproved, platted right-of-way)

A parcel of land located in Palm Beach County, Florida, identified as Cross Street, on Plat No. 1 of Green Acres, recorded at Plat Book 12, Page 72, of the Official Records of the Clerk of the Circuit Court in and for Palm Beach County, Florida, (herein referred to as "the Plat"), and lying within the following boundaries:

On the West by the right-of-way of State Road 809 (being the southerly prolongation of a line lying Thirty-two (32) feet east of the west property line of Lot 8, Block 7, of the Plat); on the North by Lots 7 and 8, Block 4, and Lot 7, Block 7, of the Plat, and the westerly prolongation of the south boundary of Lot 8, Block 4 of the Plat; on the East of the southerly prolongation of the east boundary of Lot 7, Block 4 of the Plat (also being the west right-of-way of Price Street, on the Plat); and on the South by the north boundary of Lots 1 and 14, Block 5, and Lot 1, Block 6, of the Plat, and the easterly prolongation of the north boundary of Lot 1, Block 6, of the Plat.

**RESOLUTION NO. 2014-62**

**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 SEVEN (7) ENCLAVES, CONSISTING OF TWELVE (12) PARCELS AND TOTALING 9.71 ACRES, AND THIRTEEN (13) ROAD RIGHTS-OF-WAY, OF TEN ACRES OR LESS, 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 seven (7) enclaves, consisting of twelve (12) parcels totaling 9.71 acres, and thirteen (13) road rights-of-way; and

**WHEREAS**, the Village wishes to annex the seven (7) enclaves, consisting of twelve (12) parcels totaling 9.71 acres, and thirteen (13) 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. 2014-62

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

Council Member Brinkman 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"/>
SERGIO ESCALADA, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, 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"/>
JONI BRINKMAN, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the Resolution duly passed and adopted this 13<sup>th</sup> day of NOVEMBER 2014.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: [Signature]  
BEV SMITH, MAYOR

ATTEST:

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

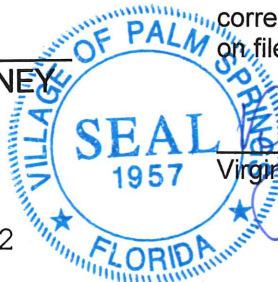


REVIEWED FOR FORM AND LEGAL SUFFICIENCY

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, MMC, Village Clerk

**Exhibit A  
Parcel within Enclave**

Lake Worth/Military Enclaves (Phase IIIc) Resolution 2014-62

Map ID#	PCN	Address	Owner	Acres	Assessed Values	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
	00-42-44-24-00-000-5131	4331 Lake Worth Road	CNL Restaurant Net Lease (Pollo Tropical)	0.46	\$597,665	Urban Center	UC	Commercial	CG
	00-42-44-24-34-000-0010	4301 Lake Worth Road	Pep Boys Manny Moe & Jack	2.37	\$1,796,580	Urban Center	UC	Commercial	CG
	00-42-44-24-33-001-0070, 00-42-44-24-33-001-0010, 00-42-44-24-33-001-0020, 00-42-44-24-33-001-0030, 00-42-44-24-33-001-0040, 00-42-44-24-33-001-0060, 00-42-44-24-33-001-0080, 00-42-44-24-33-001-0090, 00-42-44-24-33-001-00100, 00-42-44-24-33-001-0110, 00-42-44-24-33-001-0120, 00-42-44-24-33-002-0010, 00-42-44-24-33-002-0020, 00-42-44-24-33-002-0030, 00-42-44-24-33-002-0040, 00-42-44-24-33-002-0050, 00-42-44-24-33-002-0060, 00-42-44-24-33-001-0050	4400 & 4401 Charlotte Street	various - Duthie Freeman Centre (commercial) Condominium	3.00	\$1,538,372	Urban Center	UC	Commercial	CG
	00-42-44-24-39-000-4376, 00-42-44-24-39-000-4378, 00-42-44-24-39-000-4380, 00-42-44-24-39-000-4382, 00-42-44-24-39-000-4384, 00-42-44-24-39-000-4386, 00-42-44-24-39-000-4388, 00-42-44-24-39-000-4390, 00-42-44-24-39-000-4392, 00-42-44-24-39-000-4394, 00-42-44-24-39-000-4396, 00-42-44-24-39-000-4398	4376 Lakewood Road	varies - Gem Cove condominium	1.5	\$384,000	Urban Center	UC	Commercial	CG
	00-42-44-24-00-000-5680	Lake Worth Road	Bellsouth Telecommunications inc	0.48	\$146,157	Urban Center	UC	Commercial	CG
	00-42-44-24-00-000-5160	4423 Lakewood Road	Kenneth Webb	0.34	\$145,914	Urban Infill	UI	Commercial	CG
	00-42-44-24-00-000-5140	4389 Lakewood Road	Edgar Pizarro	0.20	\$49,380	MRS	RM	Medium Density Residential	RM
	00-42-44-24-00-000-5150	4381 Lakewood Road	Yipsy Ruiz	0.15	\$68,788	MRS	RM	Medium Density Residential	RM
	00-42-44-24-32-010-0160	4445 Boatman Street	Susan E Eunice	0.31	\$62,492	Urban Infill	UI	Commercial	CG
	00-42-44-24-16-000-0230	3605 Patio Court	Federal National Mortgage Assn	0.26	\$78,560	MRS	RM	Medium Density Residential	RM
	00-42-44-24-16-000-0260	3649 Patio Court	Donald Pickett	0.26	\$54,584	MRS	RM	Medium Density Residential	RM
	00-42-44-24-00-000-5712	3832 43rd Drive South	Joseph Cius	0.38	\$151,978	HR8	RM	Medium Density Residential	RM

\$5,074,470

Total Acres 9.71

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

Lake Worth Road	Entire segment from Military Trail to Greentree Circle
Military Trail	Eastern half from Clinton Boulevard to Lake Worth Road
Childs Street	Lake Worth Road to Cross Street
Cross Street (unimproved, platted r/w)	Entire segment from Military Trail to Price Street (see legal description in Attachment A)
Price Street	Entire segment from Lake Worth Road to Cross Street
N. Price Street	Entire segment from Lake Worth Road to dead end
Charlotte Street	Entire segment from Military Trail to dead end
Lakewood Road	Entire segment from 43 <sup>rd</sup> Drive South to Military Trail
Boatman Street	Entire segment from Military Trail to dead end
Todd Street	Entire segment from Military Trail to dead end
Clemens Street	Entire segment from Military Trail to dead end

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

Childs Street	Entire segment from Lake Worth Road south to Cross Street
N. Price Street	Entire segment from Lake Worth Road to dead end
Lakewood Road	Entire segment from Kirk Road west to Military Trail
43 <sup>rd</sup> Drive South	Entire segment from Lakewood Road south to dead end

**Exhibit D**  
**Other Rights-of-Way, Alleys or Easements Dedicated to the Public**  
**For which ownership and maintenance will be assumed by the Village**

Cross Street (unimproved, platted r/w)	Entire segment from Military Trail to Price Street (see legal description in Attachment 1)



## Attachment 1

### LEGAL DESCRIPTION OF RIGHT-OF-WAY KNOWN AS CROSS STREET (an unimproved, platted right-of-way)

A parcel of land located in Palm Beach County, Florida, identified as Cross Street, on Plat No. 1 of Green Acres, recorded at Plat Book 12, Page 72, of the Official Records of the Clerk of the Circuit Court in and for Palm Beach County, Florida, (herein referred to as "the Plat"), and lying within the following boundaries:

On the West by the right-of-way of State Road 809 (being the southerly prolongation of a line lying Thirty-two (32) feet east of the west property line of Lot 8, Block 7, of the Plat); on the North by Lots 7 and 8, Block 4, and Lot 7, Block 7, of the Plat, and the westerly prolongation of the south boundary of Lot 8, Block 4 of the Plat; on the East of the southerly prolongation of the east boundary of Lot 7, Block 4 of the Plat (also being the west right-of-way of Price Street, on the Plat); and on the South by the north boundary of Lots 1 and 14, Block 5, and Lot 1, Block 6, of the Plat, and the easterly prolongation of the north boundary of Lot 1, Block 6, of the Plat.



## PLANNING DIVISION STAFF REPORT

---

### BOARD OF COUNTY COMMISSIONERS HEARING

#### I. General Data

---

**Agenda Name:** Interlocal Agreement with Village of Palm Springs  
Phase IIIc Enclaves

**Project Manager:** Patricia Behn, Principal Planner

**Recommendation:** Staff recommends *approval* of the Interlocal Agreement

#### II. Item Summary

---

**Summary:** The item before the Board is to approve an Interlocal Agreement that would annex 7 unincorporated enclaves located north of Lake Worth Rd, Lakewood Rd; east of Military Trail.

#### III. Current Request

---

The Village of Palm Springs is working towards a phasing plan to annex reasonably compact unincorporated sections within its future annexation areas. In an effort to annex the area north of Lake Worth Road, east of Military Trail, and west of Kirk Road, the Village has requested that the County enter into an Interlocal Agreement to annex the unincorporated enclaves within the area. By Resolution No. 2014-62 adopted on November 13, 2014, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of 7 enclaves consisting of 40 parcels totaling 9.71 acres, as identified in Exhibit A of the Interlocal Agreement. The annexation of the right-of-way segments are identified in Exhibit B and the transfer of ownership and maintenance of the right-of-way segments are identified in Exhibit C of the Interlocal Agreement. The Village has provided written notice to all owners of real property located within the enclaves, as shown at the end of this staff report. 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, Sheriff's Office and the Office of Financial Management and Budget and no issues were identified on the annexation.

#### IV. Background

---

**Florida Statutes:** Chapter 171 of the Florida Statutes establishes the annexation procedures for adjusting the boundaries of municipalities, determining when annexations may take place so as to ensure sound urban development, ensure the efficient provision of urban services to areas that become urban in character, and ensure that areas are not annexed unless municipal services can be provided to those areas. The Florida Statutes allows annexation of enclaves less than 10 acres through an Interlocal Agreement between the annexing municipality and the County.

**County Policy:** The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. The intention of the annexation objective within the Intergovernmental Coordination Element was to insure that there are mechanisms to guide the annexation process, that annexations are based on cost-effective patterns of service delivery and compliance with state statutory requirements. It is County policy to support and enter into interlocal agreement for the annexation of enclaves that are consistent with goals, objectives and policies of the County's Comprehensive Plan. 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.

**Palm Springs Study:** Per recommendations of the 2005 Palm Springs Annexation study, adopted by the Village of Palm Springs and accepted by the Board of County Commissioners, the Village and the County agreed to explore and initiate interlocal agreements for enclave annexations. The Board of County Commissioners directed staff to participate with the Village to develop agreements for the unincorporated land within the Village's Future Annexation Area.

## V. Data and Analysis

---

The table provided in this staff report indicates how each parcel meets the criteria definition of an enclave, pursuant to the Definitions Section of Chapter 171.031 of the Florida Statutes. A detailed description of each parcel is included to indicate whether the enclave is (a) bounded and surrounded on all sides by the Village of Palm Springs, or (b) bounded and surrounded on one or more sides by the Village of Palm Springs and on one or more sides by a natural or manmade obstacle that allows the passage of vehicular traffic to the unincorporated area only through the Village.

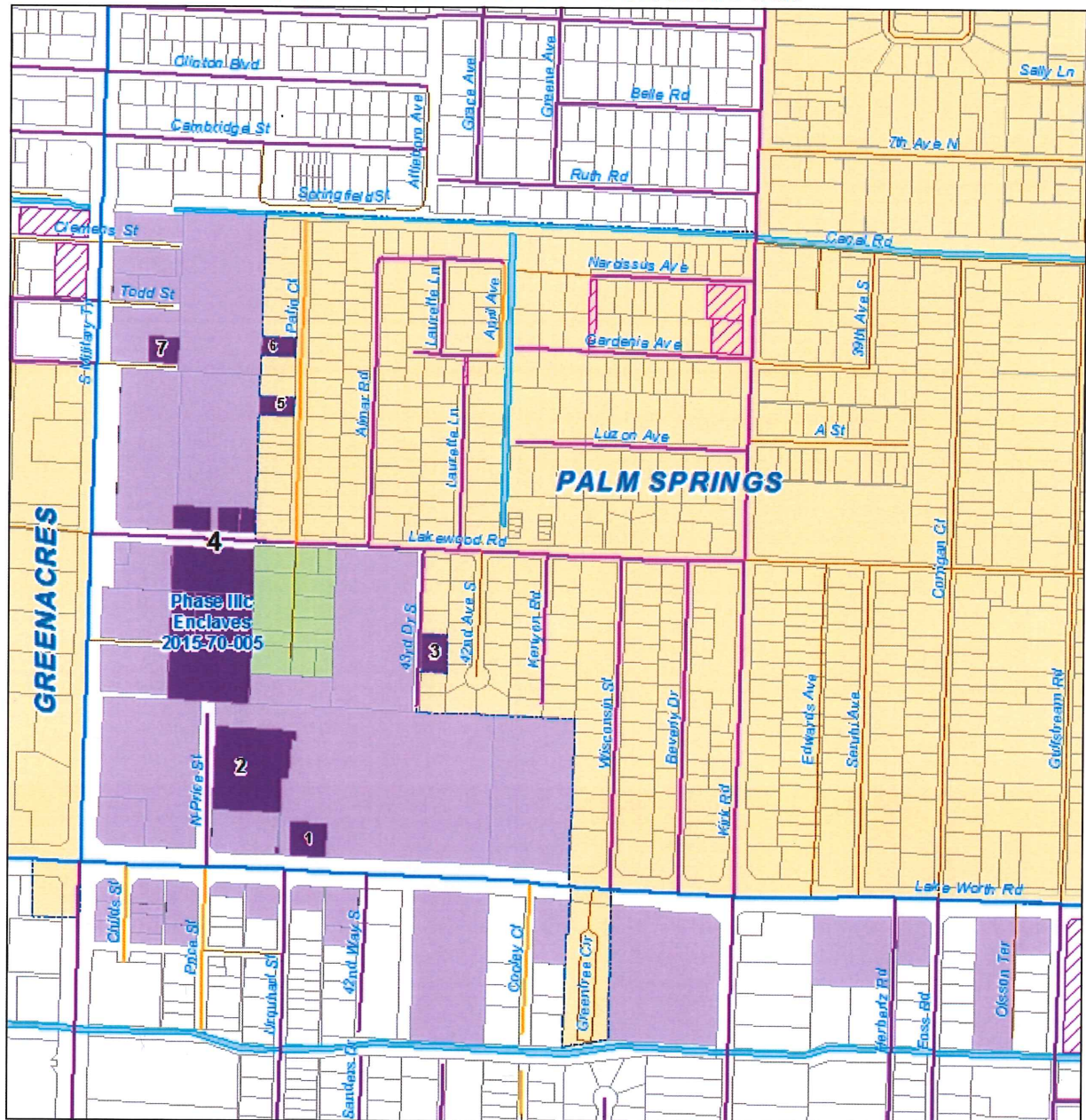
A map created by County staff of the area is also included in this staff report. The boundary lines are drawn according to the legal description of the Village. The enclaves depicted on the map show the municipal boundaries either surrounding the enclave or depicting the vehicular traffic to the unincorporated area only through the Village.

## VI. Staff Assessment

---

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. County staff recommends approval of the Interlocal Agreement.

## Village of Palm Springs Phase IIIc Enclave Interlocal



- |   |   |  |
|---|---|--|
|  Proposed Annexations        |  Water                           |  County ROW Maintenance |
|  Proposed Enclave Interlocal |  Palm Beach County Owned Parcels |  County Maintained      |
|  In Process                  |  Municipality                    |  Courtesy Maintained    |
|   |   |  Other ROW Maintenance  |
|   |   |  State Maintained       |
|   |   |  Other                  |

Updated: 11/12/14  
 Contact: Nicole Queen  
 File name: N:\Division PR\Amended\SY2014  
 Note: Map is official for informational purposes only  
 Source: ROW Maintenance Data P&C Engineering  
 Date: 2014 GIS PROD FOR GIS\DATA\CENTERLINE\_LIN



**Planning, Zoning  
& Building**  
 200 N. Jig Rd  
 West Palm Beach, FL 33411  
 Phone (561) 233-2200



## Enclaves Identification

PCN	Property Address	Acres	Characteristic			
<b>Enclave 1 (as identified on map)</b>						
00-42-44-24-00-000-5131	4331 Lake Worth Rd	0.46	The area proposed to be annexed is currently bounded and surrounded on all sides by the Village of Palm Springs, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S.			
<b>Enclave 2 (as identified on map)</b>						
00-42-44-24-34-000-0010	4301 Lakewood Rd	2.37	The area proposed to be annexed is currently bounded and surrounded on all sides by the Village of Palm Springs, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S.			
<b>Enclave 3 (as identified on map)</b>						
00-42-44-24-00-000-5712	3832 43rd Dr South	0.38	The area proposed to be annexed is currently bounded and surrounded on all sides by the Village of Palm Springs, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S.			
<b>Enclave 4 (as identified on map)</b>						
00-42-44-24-33-001-0010	4400 & 4401 Charlotte Street (commercials & condomimiums)	3.00	The area proposed to be annexed is currently bounded and surrounded on all sides by the Village of Palm Springs, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S.			
00-42-44-24-33-001-0020						
00-42-44-24-33-001-0030						
00-42-44-24-33-001-0040						
00-42-44-24-33-001-0050						
00-42-44-24-33-001-0060						
00-42-44-24-33-001-0070						
00-42-44-24-33-001-0080						
00-42-44-24-33-001-0090						
00-42-44-24-33-001-0100						
00-42-44-24-33-001-0110						
00-42-44-24-33-001-0120						
00-42-44-24-33-002-0010						
00-42-44-24-33-002-0020						
00-42-44-24-33-002-0030						
00-42-44-24-33-002-0040						
00-42-44-24-33-002-0050						
00-42-44-24-33-002-0060						
00-42-44-24-39-000-4376				4376 Lakewood Rd	1.50	
00-42-44-24-39-000-4378				4378 Lakewood Rd		
00-42-44-24-39-000-4380	4380 Lakewood Rd					
00-42-44-24-39-000-4382	4382 Lakewood Rd					
00-42-44-24-39-000-4384	4384 Lakewood Rd					
00-42-44-24-39-000-4386	4386 Lakewood Rd					
00-42-44-24-39-000-4388	4388 Lakewood Rd					
00-42-44-24-39-000-4390	4390 Lakewood Rd					
00-42-44-24-39-000-4392	4392 Lakewood Rd					
00-42-44-24-39-000-4394	4394 Lakewood Rd					

PCN	Property Address	Acres	Characteristic
00-42-44-24-39-000-4396	4396 Lakewood Rd		
00-42-44-24-39-000-4398	4398 Lakewood Rd		
00-42-44-24-00-000-5680	Lakewood Road	0.48	
00-42-44-24-00-000-5160	4423 Lakewood Rd	0.34	
00-42-44-24-00-000-5140	4389 Lakewood Rd	0.20	
00-42-44-24-00-000-5150	4381 Lakewood Rd	0.15	
<b>Enclave 5 (as identified on map)</b>			
00-42-44-24-16-000-0260	3649 Patio Court	0.26	The area proposed to be annexed is currently bounded and surrounded on all sides by the Village of Palm Springs, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S.
<b>Enclave 6 (as identified on map)</b>			
00-42-44-24-16-000-0230	3605 Patio Court	0.26	The area proposed to be annexed is currently bounded and surrounded on all sides by the Village of Palm Springs, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S.
<b>Enclave 7 (as identified on map)</b>			
00-42-44-24-32-010-0160	4445 Boatman St	0.31	The area proposed to be annexed is currently bounded and surrounded on all sides by the Village of Palm Springs, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S..

## Written Notice to Property Owners



*Village of Palm Springs*

Land Development

226 Cypress Lane • Palm Springs, Florida 33461

(561) 965-4016

Fax (561) 439-4132

October 14, 2014

AMH 21 LLC  
2100 Ponce De Leon Blvd Ste 720  
Coral Springs, Florida 33134-5207

Re: 4401 Charlotte St A & B

Dear Sir or Madam,

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 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 November 13, 2014 at 6:30 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 in December. Patricia Behn, Senior Planner for the County can be contacted at (561) 233-5300 for details concerning that meeting.

For additional information, you may contact me at 561-965-4016.

---

Sincerely,

  
Kim Glas-Castro, AICP LEED AP  
Land Development Director

[www.villageofpalmsprings.org](http://www.villageofpalmsprings.org)