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

[X]

Regular

meeting Date: 171	0.20.0	r 1	Concont	L./1	1.cogular
		[]	Workshop	[]	Public Hearing
Department:	Planning, Zo	ning 8	Building De	partm	ent
Submitted By:	Planning Div	ision			

Consent

Γ1

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 two enclaves, generally located south of Diamond Road, east of Military Trail, west of Kirk Road.

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. 2014-54 adopted on December 11, 2014, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of two enclaves consisting of five parcels totaling 1.87 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. 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 two enclaves as eligible for annexation pursuant to Section 171.046, F.S. By Resolution No. 2014-54 adopted on December 11, 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, or by the Village and a natural or manmade obstacle that allows the passage of vehicular traffic to the unincorporated area only through 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.

Meeting Date: 1/13/2015

Submitted For:

- Attachments: 1. Interlocal Agreement with Exhibits A and B of the Interlocal Agreement
 - 2. Village of Palm Springs Resolution 2014-54
 - 3. County Staff Report

Recommended By:	M Fobecca V. Cololuell	12/15/14
	Executive Director	Date
Approved By:	Mode	1/8/2015
	Deputy County Administrator	Date /

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:								
Fisca	l Years	20 <u>15</u>	20 <u>16</u>	20 <u>17</u>	20 <u>18</u>	20 <u>19</u>		
Opera Exter Progr In-Kir NET	ral Expenditures rating Costs rnal Revenues ram Income (County) FISCAL IMPACT	y) <u>*</u>						
	SITIONS (Cumulativ	e)						
Is Iter Budg Repo	m Included In Curre et Account No.: rting Category	ent Budget? Fund	Yes _ Agency	No Org	Object			
emer	ct associated with th	is annexation es to the Villa	. Palm Beac	th County Fire	e Rescue prov	e is no anticipated fiscal vides fire protection and vould continue to receive		
C.	Departmental Fisc	cal Review:	for De	galino				
		ı	II. <u>REVIEW</u>	COMMENTS				
A. OFMB Fiscal and/or Contract Dev. and Control Comments:								
	Auser Mele FAD ABDSC OFMI 12/16 12/16	ing 12/14/		tract Dev an	Joeolyn d Control i heelen	10/23/14		
B.	Legal Sufficiency: Assistant County	10	RI					
C.	Other Department	Review:						
of m	LELLECTE Department Direct	muell	_					

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, <u>Florida Statutes</u> (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; and

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 herein.

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 enclave 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-ofway segments identified in Exhibit "B" into the corporate boundaries of the Village of Palm Springs.

Section 5. 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 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 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 is has provided written notice to all owners of real property located in the enclave 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. 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 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.

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

ATTEST:	
	Mayor
By:	
Deputy Clerk	
(Seal)	Approved as to Form and Legal Sufficiency
	A OB BS
	County Attorney
	VILLAGE OF PALM SPRINGS
ATTEST:	
	Bev Smith, Mayor
Jane R. World A	
Virginia Walton, Village Øle	erk
(Seal) Seal OF PALM	Approved as to Form and Legal Sufficiency
SEAL PRINCIPLE OF THE P	D.
COURS AND STATE OF THE STATE OF	Village Attorney

Exhibit A Enclaves

	Involuntary Anne	xations - Phase IIIa -	Resolu	ution 2014-54				
PCN	Address	Owner	Acres	Existing Use	Existing FLU	Existing Zoning	Proposed FLU	Proposed Zoning
				Enclave # 1				
00-42-44-24-01-000-0460	4360 Diamond Lane	Anne & Raudel Ramirez	0.590	Single Family	MR5	RM	Low Density Residential	RM
00-42-44-2-4010-000-440	Evergreen Lane	Marci Hargrove	0.590	Vacant	MR5	RM	Low Density Residential	RM
				Enclave # 2				
00-42-44-24-00-000-6080	3824 Patio Court	Fignole Joboan	0.230	Single Family	MR5	RM	Medium Density Residential	RM
00-42-44-24-00-000-6050	Patio Court	Tarpon IV LLC	0.200	Vacant	MR5	RM	Medium Density Residential	RM
00-42-44-24-00-000-6040	3842 Patio Court	Deutsche Bank National Trust	0.270	Single Family	MR5	RM	Medium Density Residential	RM
			1.880	Total Acres			5	

Exhibit B
Right-of-Way Segments To Be Annexed

Rights-of-Way	Segment
Diamond Road	A Private Road - Entire segment from Military Trail to Dead End
Diamond Lane	A Private Road - Entire segment from Diamond Road to Dead End
Patio Court	A Private Road - Entire segment from Lakewood Road to Dead End

RESOLUTION NO. 2014-54

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 TWO (2) ENCLAVES, CONSISTING OF A TOTAL OF FIVE (5) PARCELS AND THREE (3) 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 two (2) enclaves, consisting of a total of five (5) parcels and three (3) road rights-of-way; and

WHEREAS, the Village wishes to annex the two (2) enclaves, consisting of a total of five (5) parcels and three (3) 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.

<u>Section 2.</u> 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. 2014-54

Section 3. This Resolution shall take effect imm	nediately u	pon its	passage.	
Council Member Waller	offered th	e foreg	oing resolut	ion.
Council Member <u>Munther</u> seconded the	motion, a	nd upor	being put	to a
vote, the vote was as follows:				
	<u>Aye</u>	Nay	Absent	
BEV SMITH, MAYOR				
SERGIO ESCALADA, VICE MAYOR				
DOUG GUNTHER, MAYOR PRO TEM		. 🗆		
PATTI WALLER, COUNCIL MEMBER				
JONI BRINKMAN, COUNCIL MEMBER				
this // day of DECEMBER 2014. VILLAGE OF PA	ALM SPRI	NGS, F	LORIDA	
ATTEST: BEV S	SMITH, MA	YOR		
WRGINIA M. WALTON, VILLAGE/CLERK	SEA	br Heigh	RIDA	
REVIEWED FOR FORM AND LEGAL SUFFICIENCY	VILLAG		LM BEACH LM SPRINGS	;
A	correct of on file in	copy of the my office	nat this is a tru ne original doc e. Mulc, Villa	lon_

PCN	Address	Owner	Acres	Existing Use	Existing FLU	Existing Zoning	Proposed FLU	Proposed Zoning	
Enclave # 1								†	
00-42-44-24-01-000-0460	4360 Diamond Lane	Anne & Raudel Ramirez	0.590	Single Family	MR5	RM	Low Density Residential	RM	\$123,149
00-42-44-2-4010-000-440	Evergreen Lane	Marci Hargrove	0.590	Vacant	MR5	RM	Low Density Residential	RM	\$30,000
			E	inclave # 2					1 100
00-42-44-24-00-000-6080	3824 Patio Court	Fignole Joboan	0.230	Single Family	MR5	RM	Medium Density Residential	RM	\$141,243
00-42-44-24-00-000-6050	Patio Court	Tarpon IV LLC	0.200	Vacant	MR5	RM	Medium Density Residential	RM	\$21,450
00-42-44-24-00-000-6040	3842 Patio Court	Deutsche Bank National Trust	0.270	Single Family	MR5	RM	Medium Density Residential	RM	\$90,205
			1.880	Total Acres					\$ 67,674



PLANNING DIVISION STAFF REPORT

BOARD OF COUNTY COMMISSIONERS HEARING

General Data I.

Agenda Name:

Interlocal Agreement with Village of Palm Springs

Diamond Rd Patio Ct 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 2 unincorporated enclaves located south of Diamond Rd.

east side of Patio Court; 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. The Village has requested that the County enter into an Interlocal Agreement to annex the unincorporated enclaves within the area. By Resolution No. 2014-54 adopted on December 11, 2014, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of 2 enclaves consisting of 5 parcels totaling 1.87 acres, as identified in Exhibit A of the Interlocal Agreement. The annexation of the right-of-way segments are identified in Exhibit B 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

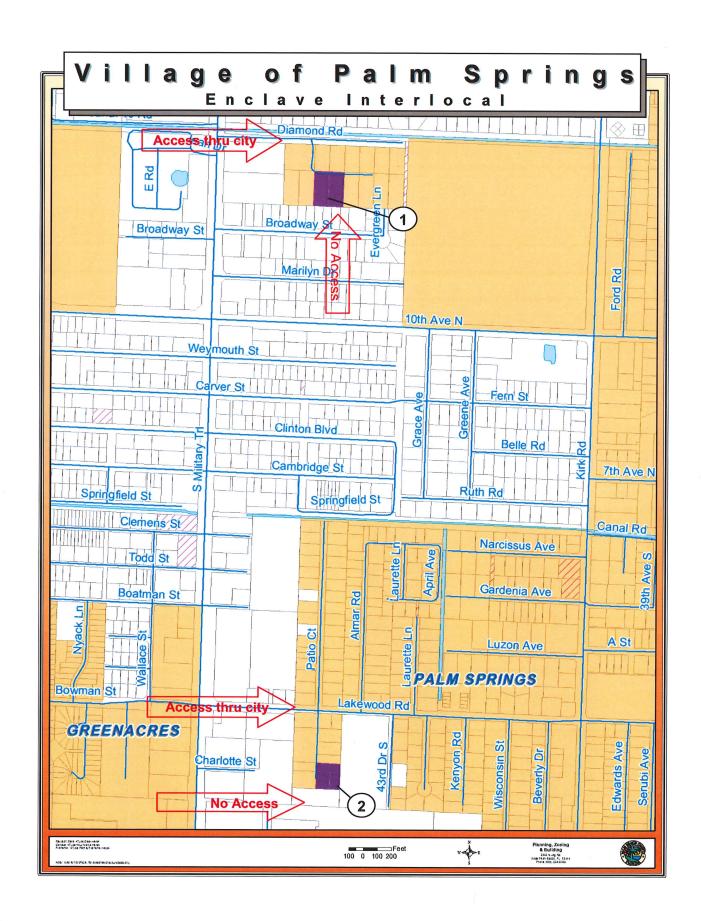
The table provided in this staff report indicates how each parcel meets the criteria definition of an enclave, pursuant to the Definitions Section of Chapter 171.031 of the Florida Statutes. A detailed description of each parcel is included to indicate whether the enclave is (a) bounded and surrounded 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.

T:\Planning\Intergovernmental\Annexations\2015 Fiscal Year\BCC Agenda Items\PS Diamond Patio Enclaves\Attach 3 Diamond Rd Patio Ct Encl STAFF Report.docx



Enclaves Identification

Enclave 1 (as identified on map)								
00-42-44-24-01-000-0460	4360 Diamond Ln	0.59	The area proposed to be annexed is currently bounded and surrounded on the east, north and west sides by the Village of Palm Springs, on the south side by a natural or					
00-42-44-24-01-000-0440	Evergreen Lane	0.59	manmade obstacle that allows the passage of vehicular traffic to the unincorporated area only through the Village, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(b), F.S.					
Enclave 2 (as identified on map)								
00-42-44-24-00-000-080	3824 Patio Court	0.23	The area proposed to be annexed is currently bounded and surrounded on the east, and north sides by the Village of Palm Springs, on the south and west sides by a					
00-42-44-24-00-000-6050	Patio Court	0.20	natural or manmade obstacle that allows the passage of vehicular traffic to the unincorporated area only through the Village, therefore the area meets the characteristics					
00-42-44-24-00-000-6040	3842 Patio Court	0.27	of an enclave per Chapter 171.031(13)(b), F.S					

SAMPLE 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

September 18, 2014

Anne & Raudel Ramirez 4360 Diamond Lane Lake Worth FL 33461

Re:

00-42-44-24-01-000-0460 4360 Diamond Lane

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 at 4360 Diamond Lane 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 October 9, 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 November or December. Patricia Behn, Senior Planner for the County can be contacted at (561) 233-5300 for details concerning that meeting.

Sincerely.

Kim Glas-Castro

Land Development Director

SAMPLE 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

September 18, 2014

Tarpon IV, LLC 18305 Biscayne Blvd Suite 400 Aventura, FL 33160

Res

00-42-44-24-00-000-6050

Patio Court

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 at Patio Court 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,

Kim Glas-Castro

Land Development Director