

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Agenda Item #:

40-1

Meeting Date: 5/3/2016 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 City of Lake Worth providing for the annexation of an enclave, generally located on the northwest and southeast corners of 10th Avenue North and Boutwell Road.

Summary: The City of Lake Worth adopted an interlocal agreement on April 5, 2016 for the annexation of an enclave consisting of 14 parcels totaling 8.19 acres, identified in Exhibit A of the Interlocal Agreement. This enclave is within the Municipal Service Area as defined by the Interlocal Service Boundary Agreement (ISBA) adopted by the City of Lake Worth and the Board of County Commissioners on October 6, 2015. Per Chapter 171, Part II, F.S, the ISBA establishes the planning, service delivery, and boundary adjustments and identified this area as Zone 8 of the Municipal Service Area. This enclave Interlocal Agreement provides for the annexation of the right-of-way segments identified in Exhibit B. There are no right-of-way segments for which ownership and maintenance will be transferred, as shown in Exhibit C. The City has provided written notice to all owners of real property located within the enclave. The annexation has been processed through the County's review departments, including Fire Rescue, Engineering, Planning Zoning and Building, 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. The proposed annexation meets the requirements of Chapter 171, F.S., as well as the requirements of the adopted ISBA, and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 3 (RPB)

Background and Policy Issues: Based on the terms of the ISBA entered with the County on October 6, 2015, the City of Lake Worth has identified an enclave as eligible for annexation and located within the Municipal Service Area outlined in the ISBA. The Comprehensive Plan includes policies and objectives to adopt implementation strategies which support municipal efforts to secure boundary changes and that maintain cost-effective service delivery and assist in the elimination of enclaves, pockets and finger-like areas. The proposed annexation is located within the City's Future Annexation Area; and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan, which encourages the elimination of enclaves.

Attachments: 1. Interlocal Agreement with Exhibits A, B and C of the Interlocal Agreement
2. County Staff Report and Map

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Recommended By: Rebecca V. Caldwell 4/5/16
Executive Director Date

Approved By: [Signature] 4/15/16
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
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 anticipated fiscal impact associated with this annexation. Palm Beach County Fire Rescue provides fire protection and emergency medical services to the City of Lake Worth, if annexed citizens would continue to receive service from the same station.

C. Departmental Fiscal Review: *Pat O'Connell*

III. REVIEW COMMENTS

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

Sherry Ann
 KP 20
 4/7/11
 OFMB 20 4/9

John J. Lambert 4/13/11
 Contract Dev and Control

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

W. R. McDonnell
 Department Director

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made on this ____ day of _____, 2016 between the CITY OF LAKE WORTH, a municipal corporation located in Palm Beach County, Florida, hereinafter referred to as "CITY," 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 (2015).

WHEREAS, Section 163.01, Florida Statutes (2015), 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 163.3171(3), F.S., authorizes municipalities and counties to jointly enter into agreements to exercise the powers granted to the county and the municipalities pursuant to Chapter 163, Part II, the Local Government Planning and Land Development Regulation Act; after each government conducts a public hearing with due public notice; and

WHEREAS, Chapter 171, Part II, F.S., as amended, establishes the Interlocal Service Boundary Agreement process as a flexible, joint planning option for counties and municipalities to cooperatively adjust municipal boundaries while planning for service delivery and land use changes; and

WHEREAS, the Board of County Commissioners entered into an Interlocal Service Boundary Agreement with the City of Lake Worth by Ordinance 2015-037; and

WHEREAS, it has been determined by the City and by the County that the parcels to be annexed via this interlocal Agreement meet the requirements set out in the Interlocal Service Boundary Agreement adopted in 2015 and requirements set out in Section 171.046, Florida Statutes (2015), as such enclaves are developed or are improved, are ten (10) acres or less in size, and are completely surrounded by the City or are surrounded by the City and a natural manmade obstacle that allows passage of vehicular traffic to the enclaves only through the City; and

WHEREAS, the County and the City 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 City 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 City of Lake Worth 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 (2015).
2. "Act" means Part 1 of Chapter 163, Florida Statutes (2015).
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 City of Lake Worth.

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 City of Lake Worth.

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 City and County pursuant to Section 335.0415, Florida Statutes (2015), 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 City. 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 City 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 City Council of the City of Lake Worth 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 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.

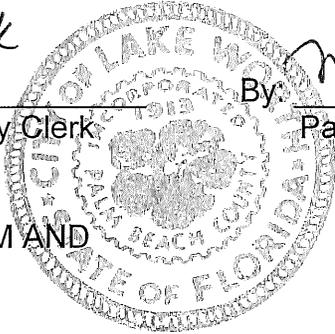
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IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the day and year first above written.

ATTEST:

CITY OF LAKE WORTH
By City Commission

By: *Karen Honesak*
Jos
Pamela J. Lopez, City Clerk



By: *Pam Triolo*
Pam Triolo, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFIENCY

By: *Glen Torcivia* *FOR*
Glen Torcivia, City Attorney

ATTEST:

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

Sharon R. Bock
Clerk & Comptroller

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFIENCY

APPROVED AS TO TERMS
AND CONDITIONS

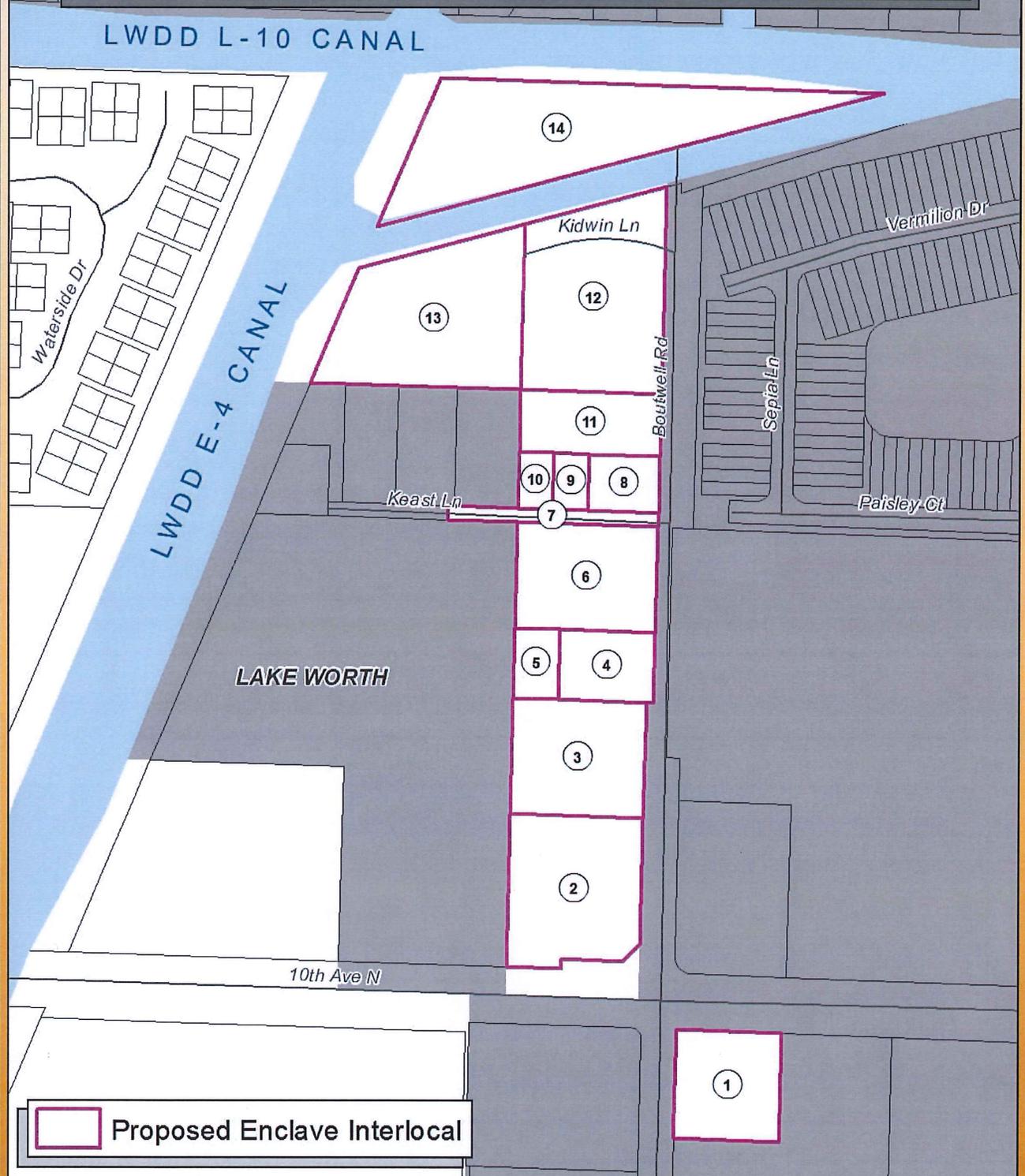
By: *Robert Banks*
Robert Banks, Chief Land Use
County Attorney

By: *Rebecca D. Caldwell*
Rebecca D. Caldwell, Executive Director
Planning, Zoning & Building

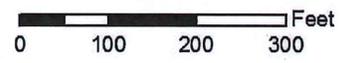
Exhibit A
Parcel within Enclave

Map ID	PCN	Address	Owner	Acres	Assessed Value	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
1	00434420010330040	2172 10TH AVE N	10TH AVENUE REALTY LLC	0.53	\$632,602	CH/8	CN		
2	00434420010270040	2201 10TH AVE N	LUTZ PETROLEUM EQUIP INSTALLATIONS INC	0.91	\$1,121,298	CH/8	CG		
3	00434420010270020	3185 BOUTWELL RD	GRAND SLAM TWO LLC	0.72	\$646,914	CH/8	CN		
4	00434420010270010	3145 BOUTWELL RD	SUNRISE DETOXIFICATION CENTER LLC	0.31	\$ 54,000	CH/8	CN		
5	00434420010270050	3161 BOUTWELL RD	PRAESUM HEALTHCARE SERVICES	0.15	\$ 26,000	CH/8	CN		
6	00434420010270030	3141 BOUTWELL RD	POWELL CHRISTOPHER	0.69	\$ 74,400	HR/8	RH		
7	00434420010040020	KEAST LN	BARKER K R TR	0.14	\$ -	HR/8	RH		
8	00434420010040090	3113 BOUTWELL RD	GARCIA ABEL	0.18	\$ 38,216	HR/8	RH		
9	00434420010040100	2219 KEAST LN	ROMANO JEREMIAH &	0.09	\$ 50,283	HR/8	RH		
10	00434420010040110	2221 KEAST LN	WEBB DEREK &	0.09	\$ 67,032	HR/8	RH		
11	00434420010040050	3097 BOUTWELL RD	ROMANO RODNEY ZACHARIAH &	0.40	\$ 77,740	HR/8	RH		
12	00434420010040070	3058 BOUTWELL RD	ROMANO LYNNETTE A	1.22	\$146,248	HR/8	RS		
13	00434420010040040	2240 KIDWIN LN	FOGEL MICHAEL N EST	1.20	\$188,579	HR/8	RS		
14	00434420010030020	3015 BOUTWELL RD	SMITH PATRICIA K &	1.55	\$149,126	HR/8	AR		

Lake Worth Park of Commerce Interlocal Service Boundary Agreement Area



Revision Date: 7/26/2013
 Contact: Dale Whitefield
 Filename: N:\DW\WPOC\2013\



Planning, Zoning
 & Building
 2300 N. Jpg Rd
 West Palm Beach, FL 33411
 Phone (561) 233-5200



Note: Map is not official for presentations purposes only.

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

Rights-of-Way	Segment
Keast Ln	Entire segment from Boutwell Road, west to dead end
Kidwin Ln	Entire segment from Boutwell Road, west to dead end
10th Avenue North	From the West line of the East 220' of Tract 27 of Model Land Co. Subdivision easterly to the West right-of-way for Boutwell Road

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

Rights-of-Way	Segment
None	None



PLANNING DIVISION STAFF REPORT

BOARD OF COUNTY COMMISSIONERS HEARING MAY 3, 2016

I. General Data

Agenda Name: Interlocal Agreement with the City of Lake Worth - Boutwell Rd Enclave

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 consider approval of an Interlocal Agreement that would annex an unincorporated enclave located on the northwest and southeast corners of Tenth Avenue North and Boutwell Road.

III. Current Request

Summary: The City of Lake Worth adopted an interlocal agreement on April 5, 2016 for the annexation of an enclave consisting of 14 parcels totaling 8.19 acres, identified in Exhibit A of the Interlocal Agreement. This enclave is within the Municipal Service Area as defined by the Interlocal Service Boundary Agreement (ISBA) adopted by the City of Lake Worth and the Board of County Commissioners on October 6, 2015. Per Chapter 171, Part II, F.S, the ISBA establishes the planning, service delivery, and boundary adjustments and identified this area as Zone 8 of the Municipal Service Area. This enclave Interlocal Agreement provides for the annexation of the right-of-way segments identified in Exhibit B. There are no right-of-way segments for which ownership and maintenance will be transferred as shown in Exhibit C. The City has provided written notice to all owners of real property located within the enclave, 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 and Building, 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. The Statutes also allows for Interlocal Service Boundary Agreements to promote sensible boundaries that reduce the costs of local governments, avoid duplicating local services, and increase political transparency and accountability.

County Policy: The Comprehensive Plan includes policies and objectives to adopt implementation strategies which support municipal efforts to secure boundary changes and that maintain cost-effective service delivery and assist in the elimination of enclaves, pockets and finger-like areas. 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.

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

V. Data and Analysis

The table provided in this staff report indicates that each parcel meets the criteria definition of an enclave, pursuant to the Definitions Section of Chapter 171.031 of the Florida Statutes. A description is included to indicate that the enclave is (a) bounded and surrounded on all sides by the City of Lake Worth, or (b) bounded and surrounded on one or more sides by the City of Lake Worth 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 City*.

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 City. 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 City. The annexation of Boutwell Road from its northern terminus to 10th Avenue North and the annexation of 10th Avenue North from I-95 to Boutwell Road occurred on June 28, 2007 through an Interlocal Agreement between the City of Lake Worth (Ord. 2007-50) and Palm Beach County (R-2007-1047).

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.

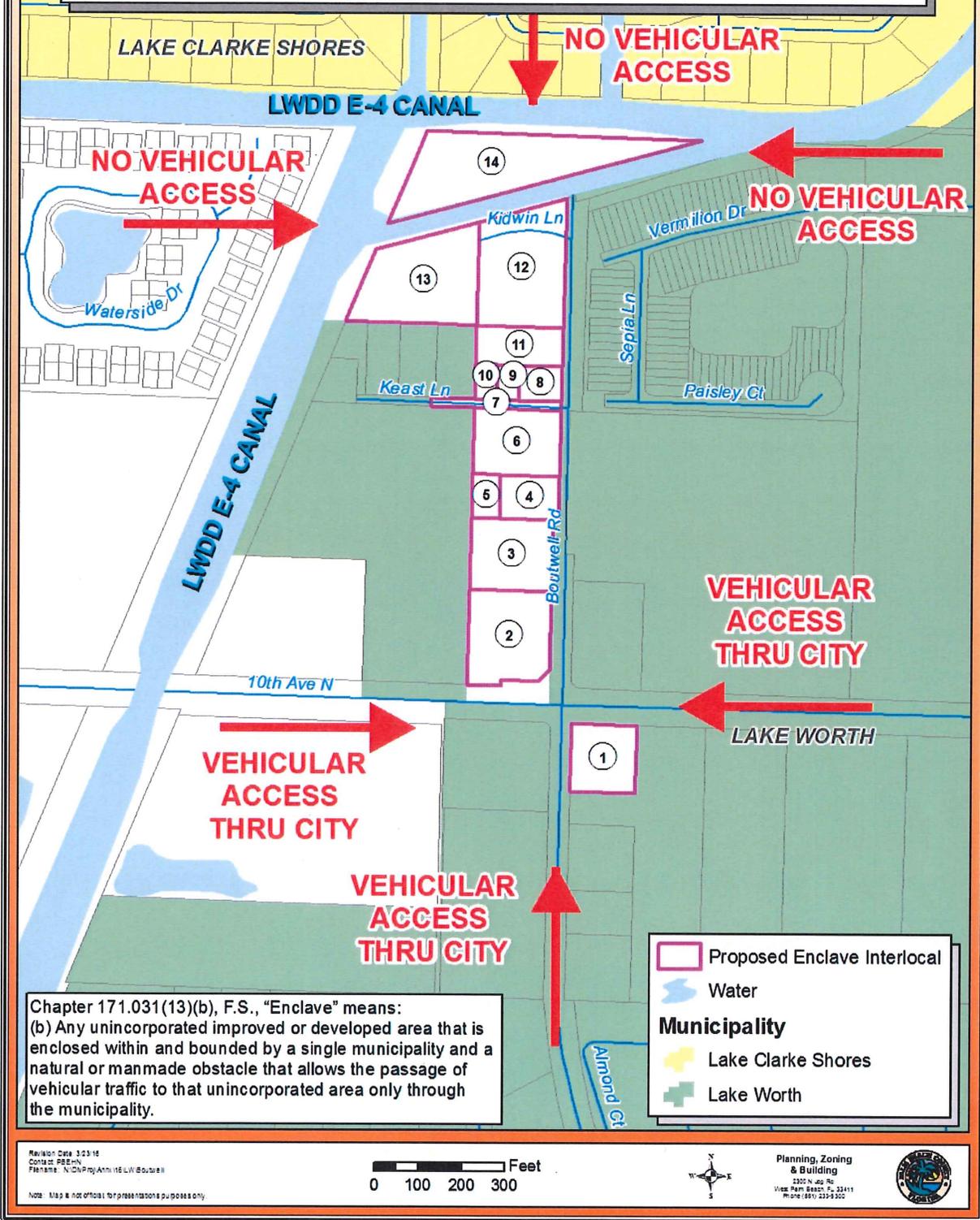
T:\Planning\Intergovernmental\Annexations\2016 Fiscal Year\BCC Agenda Items\LW Boutwell Rd Enclave\Staff Report attachement 3.docx

Enclave Identification

Map ID	PCN	Address	Acres	Enclave Characteristic
1	00434420010330040	2172 10TH AVE N	0.53	<p>The area proposed to be annexed is currently bounded and surrounded on the west, south and east sides by the City of Lake Worth, on the north side by a natural or manmade obstacle that allows the passage of vehicular traffic to the unincorporated area only through the City, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(b), F.S.</p>
2	00434420010270040	2201 10TH AVE N	0.91	
3	00434420010270020	3185 BOUTWELL RD	0.72	
4	00434420010270010	3145 BOUTWELL RD	0.31	
5	00434420010270050	3161 BOUTWELL RD	0.15	
6	00434420010270030	3141 BOUTWELL RD	0.69	
7	00434420010040020	KEAST LN	0.14	
8	00434420010040090	3113 BOUTWELL RD	0.18	
9	00434420010040100	2219 KEAST LN	0.09	
10	00434420010040110	2221 KEAST LN	0.09	
11	00434420010040050	3097 BOUTWELL RD	0.40	
12	00434420010040070	3058 BOUTWELL RD	1.22	
13	00434420010040040	2240 KIDWIN LN	1.20	
14	00434420010030020	3015 BOUTWELL RD	1.55	

Lake Worth Park of Commerce

Enclave Interlocal through the Interlocal Service Boundary Agreement



Sample Written Notice to Property Owners



Lake Worth, Florida. The Art of Florida Living.SM

Community Sustainability
Administrative Division

1900 2nd Avenue North

Lake Worth, FL 33461

561.506.1644

10TH AVENUE REALTY LLC
PO BOX 970850
COCONUT CREEK FL 33097 0850

RE: 2172 10TH AVE N
00434420010330040

Dear 10TH AVENUE REALTY LLC

The subject property is within the area currently being considered for annexation through an Interlocal Agreement between the City of Lake Worth and Palm Beach County. Chapter 171.046 Florida Statutes recognizes the use of Interlocal Agreements as a means to eliminate enclaves. Elimination of enclaves provides for more efficient delivery of services to area.

The Agreement will be heard by the City of Lake Worth City Commission during a public hearing scheduled to take place on April 5, 2016 at 6:00 p.m., or soon thereafter. The meeting will take place in the Commission Chambers located at 7 North Dixie Highway, Lake Worth, FL 33460.

Following adoption by the City of Lake Worth, the agreement will be forwarded to Palm Beach County for a public hearing before the Board of County Commissioners. For further information on the County's hearing, please contact Patricia Behn at (561) 233-5300.

Please refer to the enclosed *Benefits of Annexation* brochure for more information.

If you have questions, please do not hesitate to contact me at (561) 586-1634.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Waters".

William Waters, AIA, NCARB, LEED AP BD+C, SEED, ID
Director for Community Sustainability
City of Lake Worth, Florida