

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Agenda Item #:

6C-1

Meeting Date: 9/27/2016       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 Greenacres providing for the annexation of an enclave, generally located on the south side of Lake Worth Rd, west of Military Trail.

**Summary:** The City of Greenacres has proposed the annexation of parcels totaling 6.89 acres located on the south side of Lake Worth Road, west of Military Trail. After reviewing the proposed annexation pursuant to the Florida Statutes, staff identified that the annexation would create an enclave and therefore, was inconsistent with Chapter 171 of the Florida Statutes. Additionally, staff received concerns from the County's Fire Rescue that the enclave could cause confusion of service delivery. On August 22, 2016, the item was presented to the Board of County Commissioners (BCC) seeking direction on whether to oppose the annexation, or pursue entering into an Interlocal Agreement that would annex the enclave into the City. The BCC directed staff to enter into an Interlocal Agreement for the annexation of the enclave. The City of Greenacres adopted an Interlocal Agreement on September 8, 2016 for the annexation of the enclave consisting of one parcel totaling 0.16 acres, identified in Exhibit A of the Interlocal Agreement. The enclave annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 2 (RPB)

**Background and Policy Issues:** Chapter 171, Florida Statutes, allows annexation of enclaves less than 110 acres through an Interlocal Agreement between the annexing municipality and the County. The Comprehensive Plan includes policies and objectives to adopt implementation strategies which support municipal efforts to secure boundary changes that maintain cost-effective service delivery and assist in the elimination of enclaves, pockets and finger-like areas. County and City staff worked towards an annexation study in 2008 which identified this area within the Future Annexation Area of the City. 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 Exhibit A  
2. County Staff Report and Map  
3. Resolution 2016-31

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Recommended By: Paul      8/26/16  
Department Director      Date

Approved By: Laure Hat      9/19/16  
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)	---	---	---	---	---
<b>NET FISCAL IMPACT</b>	<b>==</b>	<b>==</b>	<b>==</b>	<b>==</b>	<b>==</b>
# 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 will be a minimal impact of \$1,456.23 for fire services.

C. Departmental Fiscal Review: *Pat D. Galina*

**III. REVIEW COMMENTS**

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

*[Signature]* 9/16/16  
 8/29 OFMB ET 8/29

*[Signature]* 9/15/16  
 Contract Dev. and Control

**B. Legal Sufficiency:**

*[Signature]*  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

## INTERLOCAL AGREEMENT

**THIS INTERLOCAL AGREEMENT** is made on this \_\_\_\_ day of \_\_\_\_\_, 2016 between the CITY OF GREENACRES, 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 (2016).

**WHEREAS**, Section 163.01, Florida Statutes (2016), 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 (2016), provides 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 (2016), limits annexation by interlocal agreement to enclaves of 110 acres or less in size; and

**WHEREAS**, Section 171.031 (13) (a) and (b), Florida Statutes (2016), 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 City have determined that it is appropriate and will promote efficient provision of governmental services for the City to annex certain enclaves; 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 Section 171.031 (a) and (b) and 171.046, Florida Statutes (2016), as such enclaves are developed or are improved, are 110 acres or less in size, and are completely surrounded by the City or are surrounded by the City and a natural or manmade obstacle that allows passage of vehicular traffic to the enclaves only through the City; and

**WHEREAS**, the enclaves identified for annexation in this Interlocal Agreement are in the City's future annexation area as provided for in the Annexation Element of the City's Comprehensive Plan; and

**WHEREAS**, the County and the City agree that the parcels to be annexed via this Interlocal Agreement are 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 into the comprehensive plan; and

**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 Greenacres of certain unincorporated enclaves which are identified in Exhibit "A" attached hereto and made a part hereof:

Section 2. Definitions

The following definitions 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 (2016).
2. "Act" means Part 1 of Chapter 163, Florida Statutes (2016).
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 Greenacres.

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 City hereby acknowledges that it 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 City Council of the City of Greenacres 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. 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 9. Entire Agreement & Counterparts

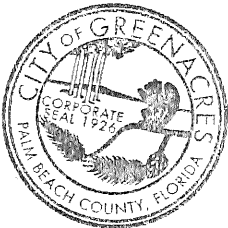
This Agreement represents the entire understanding between the parties, concerning the subject, and supersedes all other negotiations, representation, or agreements, either written or oral, relating this Agreement. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

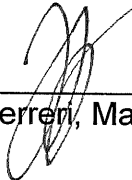
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CITY OF GREENACRES

ATTEST:

  
Joanna Cunningham, City Clerk  
(Seal)



  
Samuel J. Ferren, Mayor

Approved as to Form and Legal Sufficiency

  
James D. Stokes, City Attorney

ATTEST:

Sharon R. Bock  
Clerk & Comptroller

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

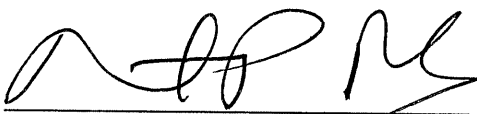
By: \_\_\_\_\_  
Deputy Clerk


By: \_\_\_\_\_  
Mary Lou Berger, Mayor

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Robert Banks, Chief Land Use  
County Attorney

By:   
Patrick Rutter, Executive Director  
Planning, Zoning & Building





## PLANNING DIVISION STAFF REPORT

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### BOARD OF COUNTY COMMISSIONERS HEARING SEPTEMBER 27, 2016

#### I. General Data

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**Agenda Name:** Interlocal Agreement with the City of Greenacres  
**Project Manager:** Patricia Behn, Principal Planner  
**Recommendation:** Staff recommends *approval* of the Interlocal Agreement

#### II. Item Summary

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**Summary:** The item before the Board is to consider approval of an Interlocal Agreement that would annex an unincorporated enclave located on the south side of Lake Worth Rd, west of Military Trail.

#### III. Current Request

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The City of Greenacres has proposed the annexation of parcels totaling 6.89 acres located on the south side of Lake Worth Road, west of Military Trail. As proposed, the annexation created a 0.16 acre enclave. On August 22, 2016, the Board of County Commissioners directed staff to enter into an Interlocal agreement for the annexation of the enclave. The City of Greenacres adopted an Interlocal Agreement, on September 8, 2016, for the annexation of the enclave. As required, 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.

#### IV. Background

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**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 110 acres through an Interlocal Agreement between the annexing municipality and the County.

**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.

**Greenacres Annexation Study:** In 2004, County staff objected to the City of Greenacres' annexations known as Dillman-Cleary and Dillman-Contreras since they created isolated unincorporated areas that are pockets or enclaves in violation of Chapter 171, F.S. In October 2004, the BCC authorized the filing of certiorari petitions to challenge the annexations, with direction for County staff to work with City staff to attempt to resolve the issue through the development of an annexation plan, and subsequent interlocal agreement. The County's certiorari petitions were subject to the Chapter 164, F.S., Florida Governmental Conflict Resolution Act, which requires the County and City to attempt to resolve the issues outside of court. In January 2005, the County and City entered into an interlocal agreement to annex the created enclaves into the City, which resolved the conflict. The County and City worked towards annexation of additional enclaves into the City, and to develop an annexation plan. While the plan resulted in the Interlocal Service Boundary Agreement that was not adopted by the Board of County Commissioners, the annexation study reviewing the data of the future annexation area was completed.

In working towards the annexation study, this area on the southwest corner of Lake Worth Road and Military Trail was identified as being part of the Future Annexation Area of the City and as a priority area for annexation. The annexation of this enclave will help in squaring off the boundaries, is reasonably compact and will keep the area from having service disruption.

## V. Data and Analysis

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The table provided in this staff report indicates that the 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 Greenacres, or (b) bounded and surrounded on one or more sides by the City of Greenacres 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.

## VI. Staff Assessment

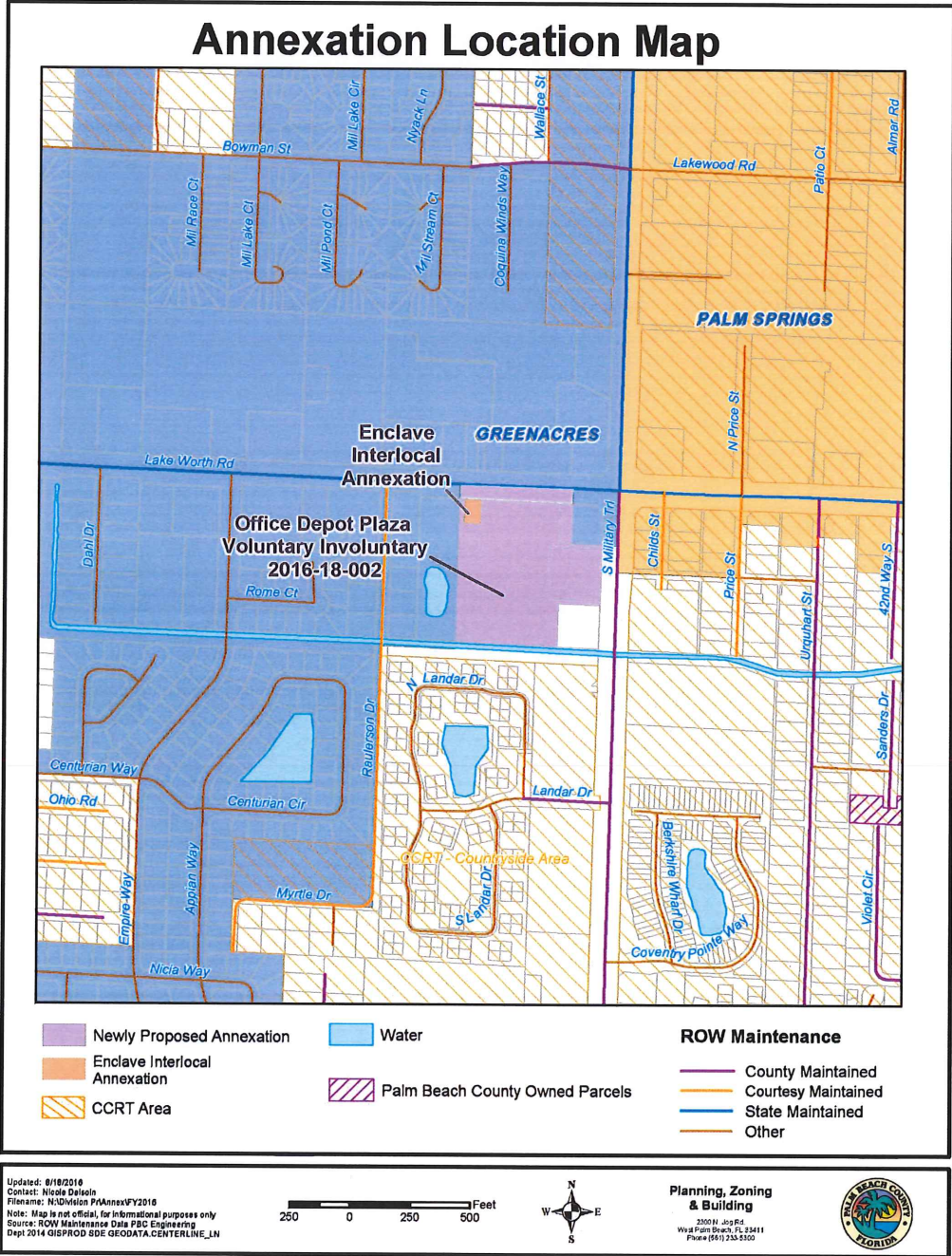
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The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. County staff recommends **approval** of the Interlocal Agreement.

Enclave Identification

PCN	Property Address	Acres	Characteristic
00-42-44-25-00-000-3610	4644 Lake Worth Rd	0.16	The area proposed to be annexed is currently bounded and surrounded on all sides by the City of Greenacres, therefore the area meets the characteristics of an enclave per Chapter 171.031(13)(a), F.S.

Location Map



**RESOLUTION NO. 2016-31**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF GREENACRES AND PALM BEACH COUNTY, PURSUANT TO CHAPTER 171.046, FLORIDA STATUTES, PROVIDING FOR THE ANNEXATION OF ONE ENCLAVE TOTALING APPROXIMATELY 0.16 ACRES LOCATED ON THE SOUTH SIDE OF LAKE WORTH ROAD APPROXIMATELY 515 FEET WEST OF SOUTH MILITARY TRAIL AT 4644 LAKE WORTH ROAD; PROVIDING FOR TRANSMITTAL TO THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS FOR SUBSEQUENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 171.046, Florida Statutes, provides for annexation of certain enclaves into a municipality by entering into an Interlocal Agreement between the Municipality and the County having jurisdiction over such enclaves; and

**WHEREAS**, Chapter 171.046, Florida Statutes, limits annexation by Interlocal Agreement to enclaves of one hundred and ten (110) acres or less in size; and

**WHEREAS**, Chapter 171.031(13)(a) and (b), Florida Statutes, defines enclaves as developed or improved property enclosed within and bounded on all sides by a single municipality, or enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the municipality; and

**WHEREAS**, it has been determined that the parcel to be annexed via this Interlocal Agreement meet the requirements set out in Sections 171.031(13)(a) and (b) and 171.046, Florida Statutes, as such enclave is developed or is improved, is one hundred and ten (110) acres or less in size, and is completely surrounded by the City or is surrounded by the City and a natural or manmade obstacle that allows passage of vehicular traffic to the enclave only through the City; and

**WHEREAS**, the enclave identified herein is within the future annexation area of the City of Greenacres as set forth in the Annexation Element of the Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Greenacres further finds that, in accordance with the Land Development Staff Report and Recommendation dated August 31, 2016, attached hereto as Exhibit "2" and by this reference made a part hereof, the proposed annexation of the subject property is in the best interest of the citizens of the City of Greenacres, and is in accordance with State and local law.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**


**Section 1.** The City Council of the City of Greenacres hereby approves the Interlocal Agreement (incorporated and attached herein as Exhibit "1") with Palm Beach County for the annexation of one enclave totaling approximately 0.16 acres located on the south side of Lake Worth Road approximately 515 feet west of South Military Trail at 4644 Lake Worth Road.

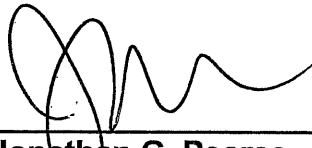
**Section 2.** The City Council of the City of Greenacres hereby authorizes the appropriate City officials to execute the Agreement on behalf of the City of Greenacres and to do all things necessary to effectuate the terms of the Agreement. The City Manager and City Attorney are hereby authorized to make any non-substantive changes to the Interlocal Agreement necessary to effectuate the terms authorized herein.

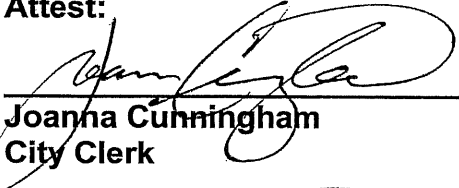
**Section 3.** Upon execution of the Interlocal Agreement, the City Clerk is hereby directed and authorized to transmit sufficient copies of same to the appropriate officials of Palm Beach County for the County's consideration and execution.


**Section 4.** This resolution shall be effective upon its adoption.

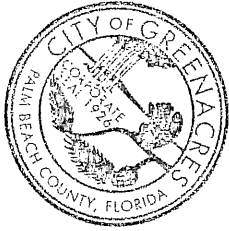
RESOLVED AND ADOPTED this 8th of September, 2016.

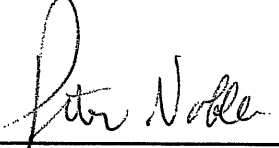
  
\_\_\_\_\_  
Samuel J. Ferreri  
Mayor

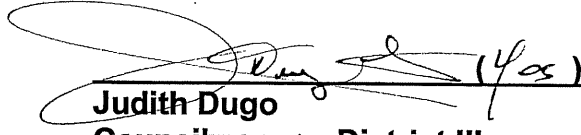
Voted  
  
\_\_\_\_\_  
Jonathan G. Pearce  
Deputy Mayor (YES)


Attest:  
  
\_\_\_\_\_  
Joanna Cunningham  
City Clerk

  
\_\_\_\_\_  
Lisa Rivera  
Councilwoman, District I (YES)




  
\_\_\_\_\_  
Peter Noble  
Councilman, District II (yes)

  
\_\_\_\_\_  
Judith Dugo  
Councilwoman, District III (yes)

  
\_\_\_\_\_  
Paula Bousquet  
Councilwoman, District V (YES)

Approved as to Form and Legal Sufficiency:

  
\_\_\_\_\_  
James D. Stokes  
City Attorney