Agenda Item #: ろ」ー1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: October 22, 2019 [X] 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 one enclave, generally located on the west side of Davis Road, south of Lake Worth Road.

Summary: The Village of Palm Springs has identified the enclave as eligible for annexation pursuant to Section 171.046, Florida Statutes (F.S.). On December 21, 2017, the Village of Palm Springs adopted Resolution No. 2017-49 to petition the County to enter into an Interlocal Agreement for the annexation of one enclave consisting of two parcels totaling 1.91 acres, as identified in Exhibit A of the Interlocal Agreement. The annexation has been processed through the County's review departments, including Fire Rescue; Engineering; Planning, Zoning & 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. The proposed annexation was previously scheduled for the Board of County Commissioners (BCC) meeting on January 23, 2018, but was removed per Village request. On January 10, 2018, Village staff resubmitted the proposed annexation as voluntary, therefore eliminating the need for an enclave interlocal. However, the Village did not take action regarding the proposed voluntary annexation. Subsequent to discussion between Village and County staff, the Village provided the County a letter requesting that the enclave interlocal agreement be scheduled again for BCC consideration. The Village provided written notice to all owners of real property located within the enclave. 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. <u>District 3</u> (RPB)

Background and Justification: Chapter 171, F.S., allows for annexation of enclaves less than 110 acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 2017-49 adopted on December 21, 2017, and by letter submitted on August 2, 2019, the Village has petitioned the County to enter into an Interlocal Agreement for the annexation of the enclave. This annexation meets the requirements of Section 171.046, F.S., for annexation by Interlocal Agreement, as it is less than 110 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 located within its Future Annexation Area.

Attachments:

- 1. Village of Palm Springs Letter Dated August 2, 2019
- 2. Interlocal Agreement with Exhibit A of the Interlocal Agreement
- 3. Village of Palm Springs Resolution 2017-49

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Recommended By: _	Ky Kunf.	9/26/2019	===
	Department Director	Date	
Approved By:	Roe	10116119	
	Assistant County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External . Revenues	-0-	-0-	-0-	-0-	-0-
Program Income(County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match(County	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
#ADDITIONAL FTE	-0-	-0-	-0-	-0-	-0-
POSITIONS (CUMULATIVE	-0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget? Does this item include the use of federal funds?			Yes Yes	No_X_ No_X_
Budget Acco Fund	ount No: Agency	Organization	Object	

B. Recommended Sources of Funds/Summary of Fiscal Impact: There is no fiscal impact with the proposed annexation. Fire Rescue will continue to service these areas.

C.	Departm	ental Fiscal Review:	
	No.	0)6-001	
	Text	~ gordin	
		/	

Department Director

III. REVIEW COMMENTS:

A.	OFMB Fiscal and/or Contract Dev. and Stoly OFMB 190 9/30 @ 9/40	Contract Dev. & Control
В.	Legal Sufficiency	(0/1/19 TW
	Assistant County Attorney	
C.	Other Department Review	

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)



Village of Palm Springs "a great place to call home"

Planning, Zoning & Building

226 Cypress Lane • Palm Springs, Florida 33461-1699 561.965.4016 • Fax 561.439.4132

Via U.S. Certified Mail Ms. Patricia Behn Director of Planning Palm Beach County 2300 N. Jog Road 2nd Floor West Palm Beach, Florida 33411

RE: Request to Continue Consideration of Annexation Interlocal Agreement

August 2, 2019

Dear Patricia:

Pursuant to our recent discussions, the Village of Palm Springs is requesting that the enclosed annexation interlocal agreement be scheduled for County Commission consideration. The interlocal agreement, which involuntarily annexes two (2) parcels totaling 1.91 acres, was approved by the Village Council via Resolution No. 2017-49. Formal notice of the annexation, pursuant to Chp. 171.046, F.S, is being resent to the two property owners,.

Enclosed for your consideration is a certified copy of the Village resolution and three (3) executed original copies of the interlocal agreement.

We would be happy to meet to discuss the Village's annexation efforts, if desired. Thank you for your ongoing assistance.

Sincerely

Kim Glas-Castro, AICP LEED AP Planning, Zoning & Building Director

Verdenia Baker, County Administrator, via Certified Mail cc: Rich Reade, Village Manager Nicole Delsoin, Planning Division, via email

www.vpsfl.org

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made on this _____ day of ______, 2018 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 (2017).

WHEREAS, Section 163.01, Florida Statutes (2017), 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> (2017), 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 (2017), 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 (2017), 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 parcel to be annexed via this interlocal Agreement meets the requirements set out in Section 171.031 (a) and (b) and 171.046, Florida Statutes (2017), as such enclave is developed or is improved, is 110 acres or less in size, and is completely surrounded by the Village or is surrounded by the Village and a natural or manmade obstacle that allows passage of vehicular traffic to the enclaves only through the Village; and

WHEREAS, the enclave identified for annexation in this Interlocal Agreement is in the Village's future annexation area as provided for in the Village's Comprehensive Plan; and

WHEREAS, the County and the Village agree that the parcel to be annexed via this Interlocal Agreement is subject to the Land Use Atlas of the Palm Beach County Comprehensive Plan and County zoning and subdivision regulations until the Village adopts a comprehensive plan amendment to include the parcel to be annexed 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 Village of Palm Springs of that certain unincorporated enclave which is 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 (2017).
- 2. "Act" means Part 1 of Chapter 163, Florida Statutes (2017).
- 3. "Agreement" means this Interlocal Agreement, including any amendments or supplements hereto, executed and delivered in accordance with the terms hereof.

Section 3. Annexation

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

Section 4. Effective Date

This agreement shall take effect upon execution by both parties.

Section 5. Filing

Upon execution by both parties, a certified copy of this agreement shall be filed with the Clerk of Circuit Court in and for Palm Beach County.

Section 6. Notification

The Village hereby acknowledges that it has provided written notice to 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 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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ATTEST:	LMSky
ATTEST.	Bev Smith, Mayor
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Surply 11. Shall 19	157 joint
Kimberly M. Wirn, Village Ølerk	
(Seal)	ວຊາວາກ ""Approved as to Form and Legal Sufficiency
()	A
Ç	رح Glen Torcivia, Village Attorney
ATTEST:	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
	BOARD OF COUNTY COMMISSIONERS
Sharon R. Bock	
Clerk & Comptroller	
By:	Ву:
Deputy Clerk	, Mayor
(SEAL)	
APPROVED AS TO FORM AND	APPROVED AS TO TERMS
LEGAL SUFFIENCY	AND CONDITIONS
By:	Ву:
Robert Banks, Chief Land Use	Ramsay Bulkeley, Executive Director
County Attorney	Planning, Zoning & Building

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Exhibit A Enclave Parcels

ADDRESS (Number)	Street Name	PCN #	ACRES	Site Devl	OWNER NAME
4037	Davis Road	00-43-44-30-01-009-0020	1.17	mobile home park	Awesome God LLC
4063	Davis Road	00-43-44-30-01-009-0030	0.74	single family	Butler, Susan



OFFICE OF THE VILLAGE CLERK

VILLAGE OF PALM SPRINGS 226 Cypress Lane Palm Springs, Florida 33461 Phone: 561-965-4010 Fax: 561-965-0899

CERTIFICATE OF TRUE COPY

The undersigned is the Village Clerk of the Village of Palm Springs, Florida, and is the duly authorized records custodian for said Village and hereby certifies this document is a **true and correct copy** of Resolution No. 2017-49, adopted December 21, 2017, by the Village Council. The original document is on file in the clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Village of Palm Springs, Florida this 1st day of August 2019.

Kimberly Wynn Village Clerk

RESOLUTION NO. 2017-49

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) INDIVIDUAL PARCELS, CONSISTING OF 1.91 ACRES IN SIZE, SAID LAND 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 annexation of a two (2) parcels of land consisting of 1.91 acres in size; and

WHEREAS, the Village wishes to annex the two (2) parcels of land that would otherwise become an enclave; which is more fully described in Exhibit "A" to the Interlocal Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

<u>Section 1.</u> 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 said Interlocal Agreement to be filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida.

Resolution 2017-49 - Enclave Interlocal Agreement - Davis Road Parcels

Section 3. This Resolution shall become effect	tive immediately upon its passage.
Council Member Gunther	, offered the foregoing Resolution,
and moved its adoption. The motion was	
Brinkman, and upon being put to a vo	
, and appear a single part of a 70	is, the rete was as leneve.
	Aye <u>Nay</u> Absent
BEV SMITH, MAYOR	J
PATTI WALLER, VICE MAYOR	✓ /
LIZ SHIELDS, MAYOR PRO TEM	\checkmark
JONI BRINKMAN, COUNCIL MEMBER	
DOUG GUNTHER, COUNCIL MEMBER	
The Mayor thereupon declared this Resolution of December, 2017.	duly passed and adopted this 3151
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VILLAGE OF	PALM SPRINGS, FLORIDA
BY:	
ATTEOT	BEV SMITH, MAYOR
ATTEST:	
BY: SIMBERLY M. WYNN, VILLAGE CLERK	INNOF PALAMINE
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REVIEWED FOR LEGAL FORM AND SUFFICIENCY	IIIIIIII AY ORIO Ammin
BY:	"Turminanthi"
GLEN J. TORCIVIA, VILLAGE ATTORNEY	