PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: 1	2/20/2022	[X]	Consent	[]	Regular	
		[]	Workshop	[]	Public Hearing	
Department:	Planning,	Zoning	& Building D	eparti	ment	
Submitted By:	Planning I	Divisior	n			
Submitted For:	Planning	Divisior	۱ 			

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: An Interlocal Agreement (ILA) with the City of Greenacres providing for the annexation of an enclave, known as the Lake Worth Plaza West Outparcels Enclave, generally located on the southeast corner of Lake Worth Road and South Jog Road, and providing for consent to the voluntary annexation of the unincorporated County-owned parcel, located at 6297 Lake Worth Road.

Summary: The City of Greenacres (City) adopted an interlocal agreement on November 7, 2022, for the annexation of an enclave consisting of six parcels totaling 7.96 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 Greenacres and the Board of County Commissioners on September 13, 2022. Per Chapter 171, Part II, F.S, the ISBA establishes the planning, service delivery, and boundary adjustments and identified the Municipal Service Area. The proposed annexation was processed per the terms of the ISBA, and an agreement with County Fire Rescue to coordinate the transition of fire rescue services. In addition, the agreement will provide consent to the voluntary annexation of a 0.01-acre county-owned parcel, located at 6297 Lake Worth Road as identified in Exhibit B. Palm Beach County does not transfer ownership rights of the Countyowned parcel but rather consents to the property being annexed into, and included within, the municipal boundary of the City of Greenacres. The proposed annexation was processed through the County's reviewing 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 City provided written notice to all owners of real property located within the enclave. 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 (DL)

Background and Justification: Chapter 171, Florida Statutes (F.S.), allows for annexation of enclaves less than 110 acres through an Interlocal Agreement between the annexing municipality and the County. This annexation meets the requirements of Chapter 171.046, F.S., for annexation by Interlocal Agreement, as it is less than 110 acres in size, and is developed properties. The annexation meets the definition of enclave as it is an unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or man-made obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality. By Resolution No. 2022-60 adopted on November 7, 2022, the City has petitioned the County to enter into an interlocal agreement for the annexation of the enclave and a 0.01-acre County-owned parcel. 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 located within the City's Future Annexation Area.

Attachments:	 City of Greenacres Resolution 2022-60 Interlocal Agreement with Exhibits 	
Recommended	d By:	
Approved By:		12/14/22 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital					
Expenditures Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	* \$0	\$0	\$0	\$0	
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE					

Budget Account No:

Fund Dept Unit

B. Recommended Sources of Funds/Summary of Fiscal Impact:

*There is no fiscal impact with annexation. Fire rescue will continue to service these areas.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

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

11 28 72 ME 11/28 OFMB CA 11/28

B. Legal Sufficiency

Assistant County Attorney

C. Other Department Review

Department Director

122 Contract Dev. & Control

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

RESOLUTION NO. 2022-60

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 A PORTION OF AN ENCLAVE TOTALING APPROXIMATELY 7.9636 ACRES LOCATED AT 4148 S JOG ROAD, 4080 S JOG ROAD, 4020 S JOG ROAD, 6492 LAKE WORTH ROAD, 6350 LAKE WORTH ROAD, AND 6323 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 parcels 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

4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 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.

Exhibit A Parcel within Enclaves

Map ID	PCN	Address	Owner	Acres	Assessed Value	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
1	00-42-44-27-33-001- 0000	4148 S Jog Road	BB & T	1.1522	\$1,048,614	CH/1	CG	CM	CI
2	00-42-44-27-00-001- 1330	4080 S Jog Road	4080 South Jog Inc.	1.38	\$1,196,067	CH/1	CG	CM	CI
3	00-42-44-27-34-001- 0000	4020 S Jog Road	RPG Lake Worth LLC	1.2546	\$3,244,137	CH/1	CG	CM	CI
4	00-42-44-27-00-000- 1290	6492 Lake Worth Road	Great Western Bank	2.1208	\$1,179,061	CH/1	CG	CM	CI
5	00-42-44-27-00-000- 1360	6350 Lake Worth Road	American Savings & Loan Assn of FL	1.0046	\$1,043,200	CH/1	CG	CM	CI
6	00-42-44-22-00-000- 5250	6323 Lake Worth Road	Spa Hospitality LLC	1.0514	\$1,277,281	CH/5	CG	CM	CI

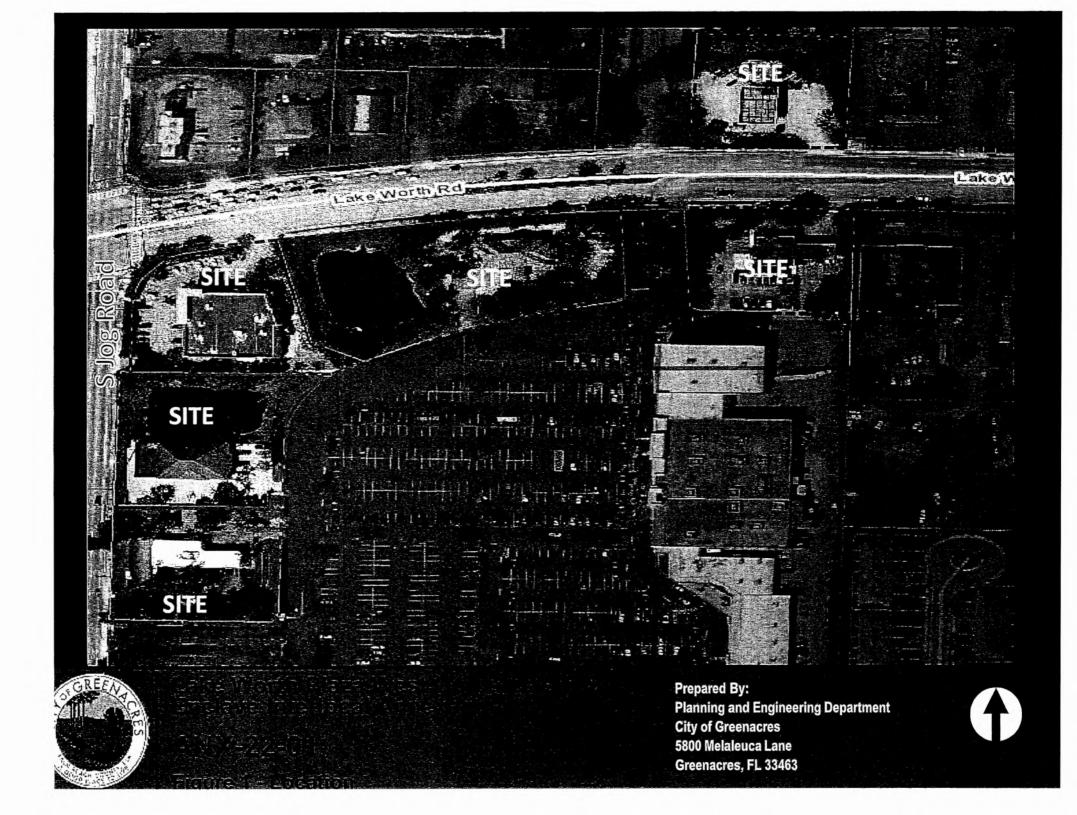
Exhibit B County-owned parcel for which consent to the voluntary annexation is provided to the City

Map ID	PCN	Address	Owner	Acres	Assessed Value	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
7	00-42-44-22-00-000- 5270	6297 Lake Worth Road	Palm Beach County	0.0143	\$388	CH/5	CG	СМ	CI

Exhibit 1

Site Address	Owner Address	Parcel Control Number	Legal Description	Acre	Exist. FLU	Exist. Zoning	Proposed FLU	Proposed Zoning	Existing Use	Taxable Value	Tax Difference
4148 S Jog Road	BB & T PROPERTY TAX COMPLIANCE C/O PO BOX 167 WINSTON SALEM NC 27102 0167	00-42-44-27-33-001-0000	OUT-PARCEL TO LAKE WORTH PLAZA TR A K/A ALL OF PLAT	1.1522	сни	CG	СМ	Ċ	Bank	\$1,153,457	\$ 3,393.36
4080 S Jog Road	4080 South Jog Inc. 4080 S JOG RD LAKE WORTH FL 33467 4035	00-42-44-27-00-001-1330	27-44-42, SLY 268.93 FT OF N 653.08 FT OF ELY 271.16 FT OF W 351.16 FT OF NW 1/4 OF NE 1/4	1.38	сн/1	CG	СМ	cı	Animal Clinic	\$1,315,674	\$3,870.58
4020 S Jog Road	RPG Lake Worth LLC 2020 WOLVERTON A BOCA RATON FL 33434 4565	. 00-42-44-27-34-001-0000	WALGREENS AT LAKE WORTH PLAZA WEST TR 1	1.2546	CH/1	CG	СМ	сі	Retail/Pharmacy	\$ 3,568,551	\$10,498.32
6492 Lake Worth Road	Great Western Bank INDUSTRY CONSULTING GROUP, INC C/O PC BOX 1919 WICHITA FALLS TX 76307 1919	00-42-44-27-00-000-1290	27-44-42, TH PT OF NW 1/4 OF NE 1/4 LYG S OF LAKE WORTH RD (LESS 60 FT L-12 CNL R/W) AS IN OR3027P616)	2.1208	сн/1	CG	СМ	сі	Bank/Financial Institution	\$1,296,967	\$3,815.55
6350 Lake Worth Road	American Savings & Loan Assn of FL	00-42-44-27-00-000-1360	27-44-42, TH PT OF NW 1/4 OF NE 1/4 LYG S OF LAKE WORTH RD (LESS 60 FT L-12 CNL R/W) AS IN OR3027P616)	1.0046	CH/1	CG	СМ	СІ	Bank/Financial Institution	\$1,147,520	\$8,469.02
6323 Lake Worth Road	Spa Hospitality LLC PO BOX 1206 KEMAH TX 77565 1206	00-42-44-22-00-000-5250	22-44-42, SLY 226.68 FT OF ELY200.13 FT OF W 320 FT OF SE 1/4 OF SW 1/4 OF SE 1/4 LYG N OF & ADJ TO LAKE WORTH RD R/W	1.0514	CH/5	CG	СМ	сі	Fuel Station and Retail	\$ 1,405,009.00	\$4,133.40
			TOTAL ACERAGE	7.9636							

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Revised:

LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Resolution 2022-60: 2019 Interlocal Annexation – ANX-22-01 Lake Worth West Outparcels and Shell Station

Consideration of Approval: A city-initiated request to annex an enclave through an Interlocal Agreement with Palm Beach County. The six (6) parcels are located at 4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road.

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[X] Recommendation to APPROVE

[] Recommendation to DENY

[] Quasi-Judicial

[X] Legislative

[] Public Hearing

Originating Department: Planning & Engineering	Reviewed By:
Project Manager	
Kara Ferris	
Approved By:	Public Notice: [] Required [X] Not Required
City Manager	Date: Paper:
Andrea McCue	Mailing [X] Required [X] Not Required

Attachments:	City Council Action:
• Resolution 2022-60	[X] Approval
• Interlocal Agreement (Exhibit 1)	[] Approve with conditions
• Property Data List (Exhibit A and B)	[] Denial
• Location Map	[] Continued to:

ANX-22-01 (Res. 2022-60)

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LWPW Outparcels/Shell Enclave Interlocal

supports annexations which are deemed necessary to promote the orderly growth of the City and will not adversely impact the City's ability to fulfill other plans.

Objective 4, Policy a), page ANX 20-- outlines six guidelines for annexations.

V. Applicable City Code and Statutory Provisions:

Article III, Section 10 of the City Charter relating to annexation Sec. 16-8 of the City Code relating to zoning of annexed areas Chapter 171, Florida Statutes relating to annexation

VI. Staff Analysis:

Land Development Staff Comments:

The annexation of the six (6) parcels were reviewed and discussed during the Interlocal Service Boundary Agreement process and all service delivery issues were determined and set forth in the ISBA.

Planning and Engineering Dept.:NoBuilding Department:No objectionsPublic Works Department:No objectionsFire Rescue Department:No objectionsPBSO District #16:No objections

Background:

The property data list (Exhibit A) contains the address, owner name, legal description, existing future land use designation, existing zoning designation, apparent existing use, and taxable value for each parcel. The list also contains a calculation of the property tax increase due to annexation based on deletion of the PBC Fire Rescue FY 2023 MSTU millage of 3.4581 and addition of the City's total FY 2023 millage of 6.3000 (a net increase in millage of 2.8419). Per the approved ISBA, the City will make payment to Palm Beach County for up to five years a sum equivalent to the Palm Beach County Fire Rescue MSTU for the annexed parcels. City Future Land Use and Zoning designations will be applied to the properties through a separate process in the near future.

Annexation Findings of Fact:

The proposed annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The parcels are contiguous to the City and are within the boundaries of the Future Annexation Area in the Annexation Element of the Comprehensive Plan.

In addition, the following six guidelines, as specified in Objective 4(a) on page 20 and 21 of the Annexation Element within the Comprehensive Plan, must be addressed. The guidelines apply to both

ANX-22-01 (Res. 2022-60)

Page 3 of 6 LWPW Outparcels/Shell Enclave Interlocal

of the subject property will allow the City to improve the identity of the area as being part of Greenacres and improve service delivery efficiency for the City and Palm Beach County.

(6) The City of Greenacres must be willing and able to provide City services as well as ensure that services provided by Palm Beach County are furnished to the newly annexed area within a reasonable time.

Findings: The City of Greenacres will be able to provide City services to the subject properties in accordance with the city's established levels of service, since the City is already providing governmental services to other developments along Lake Worth Road, in the immediate area of the subject parcels.

Summary of Annexation Criteria:

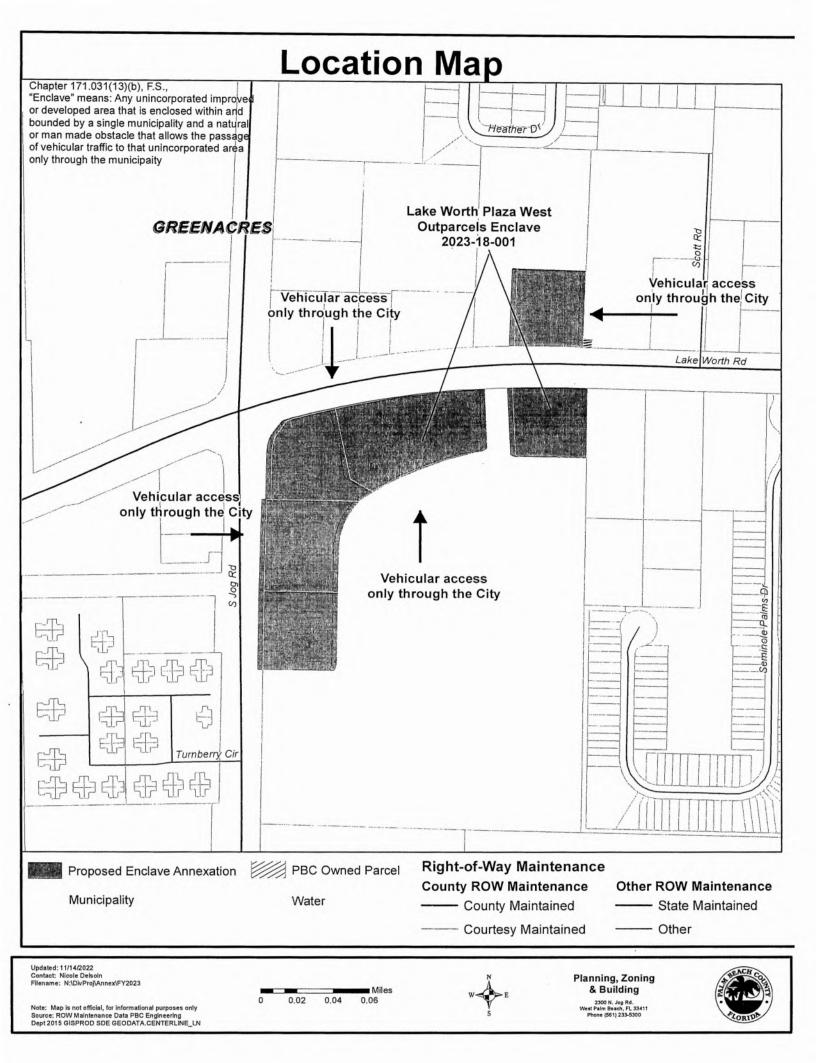
The proposal meets all of the guidelines specified in the City's Comprehensive Plan and Chapter 171 of the Florida Statutes for the annexation of property. It is a logical extension of the City's boundaries in locations identified as part of the City's future annexation area and will eliminate an existing enclave identified by the County.

VII. Staff Recommendation:

Approval of ANX-22-01 through the adoption of Resolution 2022-60 authorizing execution of an Interlocal Agreement with Palm Beach County per Chapter 171.046(2)(a) F.S. for the Annexation of six (6) parcels within an existing enclave.

ANX-22-01 (Res. 2022-60)

Page 5 of 6 LWPW Outparcels/Shell Enclave Interlocal



INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made on this _____ day of ______, 2022 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 (2022).

WHEREAS, Section 163.01, <u>Florida Statutes</u> (2022), 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> (2022), 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 (2022), 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 (2022), 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, the Board of County Commissioners entered into an Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022 by City Ordinance 2022-01, and by the County on September 13, 2022, by Ordinance 2022-025; 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, <u>Florida Statutes</u> (2022), 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

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CITY OF GREENACRES

ATTES

Joe Flores, Mayor

Quintella Moorer, City Clerk

(Seal)



Approved as to Form and Legal Sufficiency

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

Gleri J. Torcivia, City Attorney

ATTEST:

Joseph Abruzzo **Clerk & Comptroller**

By:

Deputy Clerk

By: Mayor

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFIENCY

APPROVED AS TO TERMS AND CONDITIONS

By:

Darren Leiser Assistant County Attorney By:

Ramsay J. Bulkeley, Executive Director Planning, Zoning & Building

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Exhibit A Parcel within Enclaves

Map ID	PCN	Address	Owner	Acres	Assessed Value	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
1	00-42-44-27-33-001- 0000	4148 S Jog Road	BB & T	1.1522	\$1,048,614	CH/1	CG	CM	CI
2	00-42-44-27-00-001- 1330	4080 S Jog Road	4080 South Jog Inc.	1.38	\$1,196,067	CH/1	CG	CM	CI
3	00-42-44-27-34-001- 0000	4020 S Jog Road	RPG Lake Worth LLC	1.2546	\$3,244,137	CH/1	CG	CM	CI
4	00-42-44-27-00-000- 1290	6492 Lake Worth Road	Great Western Bank	2.1208	\$1,179,061	CH/1	CG	CM	CI
5	00-42-44-27-00-000- 1360	6350 Lake Worth Road	American Savings & Loan Assn of FL	1.0046	\$1,043,200	CH/1	CG	CM	Cl
6	00-42-44-22-00-000- 5250	6323 Lake Worth Road	Spa Hospitality LLC	1.0514	\$1,277,281	CH/5	CG	CM	CI

Exhibit B

County-owned parcel for which consent to the voluntary annexation is provided to the City

Map ID	PCN	Address	Owner	Acres	Assessed Value	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
7	00-42-44-22-00-000- 5270	6297 Lake Worth Road	Palm Beach County	0.0143	\$388	CH/5	CG	СМ	CI

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WHEREAS, Section 163.01, <u>Florida Statutes</u> (2022), 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> (2022), 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 (2022), 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 (2022), 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

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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, <u>Florida Statutes</u> (2022), 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

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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 8. Captions

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

Section 9. 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 10. 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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Exhibit A Parcel within Enclaves

Map ID	PCN	Address	Owner	Acres	Assessed Value	PBC Land Use	PBC Zoning	Proposed Land Use	Proposed Zoning
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