

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: 3/5/2024

Consent     Regular  
 Workshop     Public Hearing

Department: County Attorney

Submitted By: County Attorney

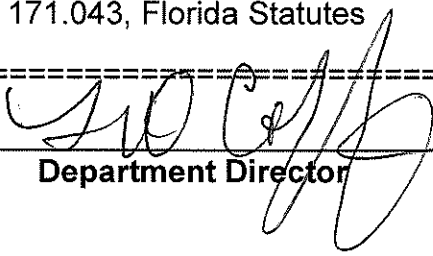
**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends a motion to adopt: a Resolution stating that it is the Palm Beach County Board of County Commissioners' ("County") intent to initiate the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act to resolve a conflict over the Village of Wellington's ("Village") Ordinance No 2023-17 ("Ordinance") adopting involuntary annexation of approximately 257.9 acres of land located generally at the intersection of State Road 80 (Southern Boulevard) and Seminole Pratt Whitney Road. The Village's proposed annexation area does not meet the statutory criteria for annexation and under 171.081(2), Florida Statutes the County must initiate and proceed through the conflict resolution procedures before filing a petition for writ of certiorari in the circuit court challenging the Village's annexation ordinance.

**Summary:** On January 16 and February 13, 2024, the Village held public hearings and adopted the Ordinance. Effective December 15, 2024, the Village seeks to annex 257.9+/- acres located on the north side of Southern Boulevard adjacent to the western boundary of the Town of Loxahatchee Groves, through a referendum to be held on March 19, 2024. The Village's Ordinance is in violation of Section 171.043, Florida Statutes. County staff has indicated in letters and expert testimony during the two public hearings that: (i) the proposed annexation area is not contiguous to existing Village boundaries; (ii) the area to be annexed is not developed for urban purposes; and (iii) the proposed annexation area does not satisfy the requirements of Section 171.043(3), Florida Statutes because the undeveloped land does not serve as a bridge to land developed for urban purposes. District 6 (DL)

**Background and Policy Issues:** On November 14, 2023, the Village submitted an Annexation Feasibility Study to the County. The proposed annexation area contains rural residential uses and institutional uses which the county allows in rural areas. The Village's Feasibility Study indicates that parcels facing Seminole Pratt Whitney Road and Southern Boulevard will be developed with commercial uses on parcels fronting Southern Boulevard and that interior parcels will see increases in density from 1 unit per 5 acres (current) to the Village's medium residential designation (3-8 units per acre). On November 30, 2023, County staff met with Village staff to present the County's findings of non-compliance with the statutory requirements. In a workshop on December 5, 2023, the Board of County Commissioners directed staff to formally object to this unlawful annexation.

- Attachments:**
1. Resolution
  2. Village Ordinance 2023-17
  3. County Letter dated Jan 3, 2024
  4. County Letter dated Feb 9, 2024
  5. Section 171.043, Florida Statutes

Recommended by: \_\_\_\_\_  
  
Department Director Date

Approved By: \_\_\_\_\_  
Deputy County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
<b>NET FISCAL IMPACT</b>					
<b>#ADDITIONAL FTE POSITIONS (CUMULATIVE</b>					

Is Item Included in Current Budget? Yes\_\_\_ No\_\_\_  
 Is this item using Federal Funds? Yes\_\_\_ No\_\_\_  
 Is this item using State Funds? Yes\_\_\_ No\_\_\_

**Budget Account No:**  
 Fund                                      Dept                                      Unit

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

**C. Departmental Fiscal Review:**

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**III. REVIEW COMMENTS:**

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

*[Signature]*  
 03/20/24 OFMB JH 3150

*[Signature]*  
 Contract Dev. & Control  
 Feb 2/22/24

**B. Legal Sufficiency**

*[Signature]*  
 Assistant County Attorney

**C. Other Department Review**

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Department Director

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

**RESOLUTION NO. R-2024 \_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING ITS INTENT TO INITIATE THE CONFLICT RESOLUTION PROCEDURES UNDER THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT TO RESOLVE A CONFLICT OVER THE VILLAGE OF WELLINGTON'S ORDINANCE NO 2023-17 APPROVING AN INVOLUNTARY ANNEXATION OF APPROXIMATELY 257.9 ACRES OF LAND LOCATED GENERALLY AT THE INTERSECTION OF STATE ROAD 80 (SOUTHERN BOULEVARD) AND SEMINOLE PRATT WHITNEY ROAD BECAUSE THE PROPOSED ANNEXATION AREA DOES NOT MEET THE STATUTORY CRITERIA FOR ANNEXATION.**

WHEREAS, on January 16, 2024 the Village of Wellington (the "Village") approved on first reading Ordinance 2023-17 (the "Ordinance"), seeking to annex approximately 257.9 +/- acres of unincorporated land on the north side of State Road 80 as depicted therein; and

WHEREAS, on February 13, 2024 the Village held the 2<sup>nd</sup> reading and adopted the Ordinance, annexing the proposed annexation area effective December 15, 2024 following a referendum to be held on March 19, 2024; and

WHEREAS, Palm Beach County (the "County") objected to the Ordinance at the first and second readings of the Ordinance because the annexation area does not meet the requirements of section 171.043, Florida Statutes; and

WHEREAS, under section 171.081(2), Florida Statutes, the County must initiate and proceed through the conflict resolution procedures established in Chapter 164, Florida Statutes before seeking review by the courts; and

WHEREAS, the County, under Chapter 164, Florida Statutes, must pass a resolution expressing its intent to initiate the conflict resolutions procedures.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

1. The recitals set forth above are true and correct and are made a part of this Resolution.
2. It is the intention of the Board of County Commissioners of Palm Beach County, Florida, to initiate the conflict resolution procedures under Chapter 164, Florida Statutes, the Florida Governmental Conflict Resolution Act, against the Village of Wellington because the

annexation area in Ordinance 2023-17 does not meet the requirement of Section 171.043, Florida Statutes.

3. The County is initiating these conflict resolution procedures prior to filing a petition for a writ of certiorari under section 171.081(2), Florida Statutes, challenging the Village's Ordinance.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Commissioner Maria Sachs, Mayor -
- Commissioner Maria G. Marino, Vice Mayor -
- Commissioner Gregg K. Weiss -
- Commissioner Michael A. Barnett -
- Commissioner Marci Woodward -
- Commissioner Sara Baxter -
- Commissioner Mack Bernard -


The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:  \_\_\_\_\_  
Assistant County Attorney

ORDINANCE NO. 2023-17

1  
2  
3  
4  
5 AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL  
6 ANNEXING, PURSUANT TO A PETITION FOR INVOLUNTARY  
7 ANNEXATION, CERTAIN REAL PROPERTY COMPRISED OF  
8 257.9+/- ACRES LOCATED ON THE NORTH SIDE OF STATE  
9 ROAD 80 ADJACENT TO THE WESTERN BOUNDARY OF THE  
10 TOWN OF LOXAHATCHEE GROVES AND EXTENDING  
11 WESTERLY APPROXIMATELY 0.65 MILES, WHICH PROPERTY  
12 IS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING  
13 SECTION 11 OF THE VILLAGE CHARTER BY REDEFINING THE  
14 CORPORATE LIMITS OF THE VILLAGE OF WELLINGTON;  
15 DIRECTING THE VILLAGE MANAGER TO DO ALL THINGS  
16 NECESSARY TO EFFECTUATE THIS ANNEXATION;  
17 DIRECTING THE VILLAGE CLERK TO FILE A COPY OF THIS  
18 ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT IN  
19 PALM BEACH COUNTY, THE CHIEF ADMINISTRATIVE  
20 OFFICER OF PALM BEACH COUNTY, AND THE FLORIDA  
21 DEPARTMENT OF STATE WITHIN SEVEN DAYS AFTER  
22 ADOPTION, IN ACCORDANCE WITH SECTION 171.044,  
23 FLORIDA STATUTES; APPROVING A BALLOT SUMMARY AND  
24 BALLOT QUESTION; PROVIDING A CONFLICTS CLAUSE;  
25 PROVIDING FOR CODIFICATION; PROVIDING A  
26 SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE  
27 DATE.

28  
29  
30 **WHEREAS**, the Wellington Council has initiated a petition for involuntary annexation of  
31 real property, hereinafter described in Exhibit A, and has received letters of support/consent  
32 from the owners of more than 60% of the acres of land in the area proposed to be annexed  
33 and from the owners of more than 50% of the parcels of land proposed to be annexed into the  
34 Village of Wellington, Florida, pursuant to the provisions of Section 171.044, Florida Statutes;  
35 and  
36

37 **WHEREAS**, the real property proposed to be annexed, consisting of 257.9+/- acres  
38 depicted on the map attached hereto as Exhibit B and legally described as set forth in Exhibit  
39 A, which is made a part hereof, is located in the unincorporated area of Palm Beach County, is  
40 contiguous to the Village of Wellington, is reasonably compact and the annexation of such  
41 proposed area does not result in the creation of enclaves; and  
42

43 **WHEREAS**, Wellington has prepared a feasibility study in compliance with section  
44 171.042, Florida Statutes, and has filed a copy of such study with the Board of County  
45 Commissioners for Palm Beach County at least 15 days prior to commencing the annexation  
46 procedures set forth in section 171.0413, Florida Statutes; and  
47

48 **WHEREAS**, not less than 10 days prior to the first public hearing on this ordinance,

1 Wellington has mailed a written notice to each person who resides or owns property within the  
2 area proposed to be annexed, which notice described the annexation proposal and set forth  
3 the time and place for each public hearing to be held and the place or places within Wellington  
4 where the proposed ordinance may be inspected by the public and which is available for  
5 inspection during regular business hours of the office of Wellington's Village Clerk; and  
6

7 **WHEREAS**, the Council has taken the recommendations from the Wellington staff and  
8 the comments from the public into consideration when considering the petition for annexation;  
9 and  
10

11 **WHEREAS**, the Wellington Council has determined that it is in the public interest to  
12 annex into the Village of Wellington the real property described in Exhibit A and depicted in  
13 Exhibit B, attached to hereto.  
14

15 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF**  
16 **WELLINGTON, FLORIDA THAT:**  
17

18 **SECTION 1:** The real property herein described in Exhibit A and depicted in Exhibit B  
19 is hereby annexed into the Village of Wellington, Florida, effective December 15, 2024.  
20

21 **SECTION 2:** Effective December 15, 2024, section 11 of the Village Charter, entitled  
22 "Land Description" is hereby amended to reflect the property annexed into the Village of  
23 Wellington by this ordinance.  
24

25 **SECTION 3:** The Village Manager is hereby directed to do all things necessary to  
26 effectuate this annexation.  
27

28 **SECTION 4:** The Village Clerk is hereby directed to file a copy of this Ordinance with  
29 the Clerk of the Circuit Court, Palm Beach County, the Chief Administrative Officer of Palm  
30 Beach County, and the Department of State within seven days of the adoption of this  
31 Ordinance.  
32

33 **SECTION 5:** All ordinances or parts of ordinances in conflict herewith are hereby  
34 repealed.  
35

36 **SECTION 6:** The annexation proposed by this ordinance shall be submitted to the  
37 electors who own or reside on the parcels proposed to be annexed at an election to be held on  
38 Tuesday, March 19, 2024, in accordance with the requirements of Ch. 171, Florida Statutes,  
39 and shall be deemed approved upon the favorable vote of a majority of the electors voting at  
40 that time upon the following question:  
41

42 **REFERENDUM QUESTION NO. 1**  
43

44 **Annexation—Determine whether to approve annexation**  
45 **into the Village of Wellington**  
46

47 **BALLOT SUMMARY:** Florida law provides a process for  
48

1 expanding municipal boundaries by annexing areas  
2 contiguous to the municipality's boundaries. The Village of  
3 Wellington proposes to annex 257.9+/- acres located on the  
4 north side of State Road 80 adjacent to the western  
5 boundary of the Town of Loxahatchee Groves and extending  
6 westerly approximately 0.65 miles. If approved, the proposed  
7 annexation area will become part of the Village of  
8 Wellington's municipal boundaries, effective December 15,  
9 2024.

10  
11 **BALLOT QUESTION: Shall the proposed area**  
12 **comprised of 257.9+/- acres be annexed into the Village**  
13 **of Wellington?**

14  
15  **For annexation of the property described in**  
16 **Ordinance No. 2023-17 of the Village of Wellington**

17  
18  **Against annexation of the property described in**  
19 **Ordinance No. 2023-17 of the Village of Wellington**  
20

21 **SECTION 7:** Should any section, paragraph, sentence, clause, or phrase of this  
22 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
23 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this  
24 Ordinance shall prevail to the extent of such conflict.  
25

26 **SECTION 8:** Should any section, paragraph, sentence, clause, or phrase of this  
27 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall  
28 not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the  
29 part so declared to be invalid.  
30

31 **SECTION 9:** This Ordinance shall become effective after adoption by Council on  
32 second reading and immediately following approval by a majority of the electors in the area  
33 proposed to be annexed.  
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40 (The remainder of this page is intentionally left blank.)  
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**PASSED** this 16 day of January, 2024 on first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024, on second and final reading.

**WELLINGTON**

**FOR                      AGAINST**

BY: _____	_____	_____
Anne Gerwig, Mayor		
_____	_____	_____
Michael J. Napoleone, Vice Mayor		
_____	_____	_____
John T. McGovern, Councilman		
_____	_____	_____
Michael Drahos, Councilman		
_____	_____	_____
Tanya Siskind, Councilwoman		

**ATTEST:**

BY: \_\_\_\_\_  
    Chevelle D. Addie, Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
    Laurie Cohen, Village Attorney





**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
www.pbcgov.com/pzb

**Palm Beach County  
Board of County  
Commissioners**

Maria Sachs, Mayor

Maria G. Marino, Vice Mayor

Gregg K. Weiss

Michael A. Barnett

Marci Woodward

Sara Baxter

Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

January 3, 2024

Jim Barnes, Village Manager  
Village of Wellington, Village Hall  
12300 Forest Hill Blvd  
Wellington FL 33414

**RE: Proposed Annexation of Southern Blvd. Properties**

Dear Mr. Barnes:

The Palm Beach County Board of County Commissioners (BCC) reviewed the Village of Wellington's (Village) proposed annexation described in the table below during a public hearing held on December 5, 2023, and voted 5-1 to object to it. Therefore, please accept this letter as the County's formal objection to the proposed annexation and include it in the record for the 1<sup>st</sup> and 2<sup>nd</sup> readings of the proposed annexation ordinance.

Name	Description
Wellington State Road 80 and Seminole Pratt Whitney Road  2024-73-001	Acre: 257.9 approx. Location: North side of State Rd 80, south of E Harlena Dr, east & west sides of Seminole Pratt Whitney Rd.  1 <sup>st</sup> Reading: January 16, 2024    2 <sup>nd</sup> Reading: February 13, 2024

As relayed to the Village's staff in our meeting on November 30, 2023, and reiterated at the BCC meeting on December 5, 2023, the County objects to the proposed annexation because it is inconsistent with Chapter 171, Florida Statutes. Specifically, the proposed annexation does not meet the requirements in Section 171.043, F.S. that it be contiguous to the annexing municipality, and that it be developed for urban purposes, which the Village does not dispute.

**I. The proposed annexation area is not contiguous to the Village's boundaries.**

Under Section 171.043(1), F.S., the proposed annexation area must be contiguous to the Village's boundaries. Section 171.031(3), F.S. defines "contiguous" as:

a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing



municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, may not prevent annexation under this act, ***provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically.*** However, nothing in this subsection may be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision of any special law prohibits the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act (emphasis added).

The proposed annexation, if it became effective, would create a portion of the Village that would not be a unified whole with the rest of the Village and its residents as required under the above definition of "Contiguous." The proposed annexation area is separated from the Village by Southern Boulevard and the C-51 canal, and does not abut any of the Village's boundaries. While this is not in itself a disqualifier, it prevents the inhabitants of the proposed annexation area from fully associating and trading with other Village residents. Specifically, to access the Village, the inhabitants of the proposed annexation area would have to leave the Village and travel over a mile on Southern Boulevard (a state road) to Binks Forest Drive to interact with the Village's other inhabitants.

This situation is similar to the situation analyzed in Florida Attorney General Opinion 86-43. In that case, the proposed annexation area was separated from the annexing municipality by a body of water and did not abut any of its boundaries. The Attorney General found that this violated the definition of contiguous because it prevented the proposed annexation area from becoming a unified whole with the annexing municipality. The same can be said for the proposed annexation area here.



**II. The proposed annexation area is not developed for urban purposes.**

Section 171.043(2), F.S. requires all or part of the proposed annexation area to be developed for urban purposes and it states:

Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

Further, section 171.031(13) F.S. defines urban purposes as:

“Urban purposes” means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

As shown by the attached data and analysis in Exhibit A, and as explained below, the proposed annexation area does not meet any of the requirements set forth in section 171.043(2), F.S. and is therefore not developed for urban purposes and cannot be annexed.



The proposed annexation area does not meet the requirement in section 171.043(2)(a), F.S. that it have "a total resident population equal to at least two persons for each acre of land included within its boundaries." According to the 2020 census, 54 people reside in the area. Since the area is 257.9 acres, this means that it only has 0.21 persons for each acre of land, well below the 2 person per acre requirement.

The proposed annexation area does not meet the requirement in section 171.043(2)(b), F.S. that it have "a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size." The area, as previously shown, has less than one person per acre, and it does not have **any lots** that are 1 acre or less in size.

The proposed annexation area does not meet the requirement in section 171.043(2)(c), F.S. that it be "so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size." Section 171.031(13), F.S. defines "urban purposes" as land that is "used intensively" for residential, commercial, industrial, institutional, or governmental purposes. Without conceding that none of the land in the proposed annexation area is being used intensively for residential, commercial, industrial, institutional, or governmental purposes, the County can identify only 6 of the 38 lots and tracts, or 16%, that are arguably being used for "urban purposes." None of the lots are being "used intensively" for residential purposes since 1 dwelling unit per 5 acres is not an intensive residential use. That leaves 3 lots that are being used for civic assembly purposes, 1 tract that is being used as road right of way, and the 2 County owned lots that are being used for governmental purposes, namely drainage. As such, less than 60% of the total number of lots in the area are arguably being used for urban purposes. Additionally, if we remove these 6 nonresidential lots and tracts totaling 33.01 acres from the total 257.9 acres of the area we are left with 224.89 acres of which only 39.23 acres, or 17%, are subdivided into lots and tracts 5 acres or less in size which is well below the 60% requirement set forth in the statute. As such, the proposed annexation area does not meet any of the required criteria set forth in 171.043(2), F.S.

Finally, the Village, through its Village Manager – Jim Barnes, admitted that the proposed annexation area does not meet the requirements of 171.043(2), F.S. At the



BCC meeting on December 5, 2023, he told the BCC, in response to a direct question from Commissioner Weiss, that the Village does not dispute that the proposed annexation area does not meet any of the requirements set forth in section 171.043(2), F.S. The meeting may be viewed at the following link: [County Commissioners BCC Meeting Videos \(pbcgov.org\)](https://www.pbcgov.org/MeetingVideos). Mr. Barnes' statement begins at 2:46:15.

The County's various Departments are also currently reviewing this annexation and their comments will be transmitted to the Village in a separate letter. The County remains committed in our efforts to work cooperatively with municipalities towards annexation. The County, however, must object to this annexation due to issues outlined above and BCC direction. Furthermore, the County intends to pursue all legal remedies available, should the Village Council adopt the proposed annexation ordinance. Therefore, please include this letter in the record for both readings of the proposed annexation ordinance scheduled for January 16, 2024, and February 13, 2024 respectively.

Please contact me at 561-233-5467 or Khurshid Mohyuddin, Principal Planner, at 561-233-5351 if you have any additional questions.

Sincerely,

Kevin Fischer, AICP  
Planning Director

cc: Board of County Commissioners  
Verdenia C. Baker, County Administrator  
Patrick W. Rutter, Deputy County Administrator  
Whitney Carroll, Esq., AICP, Executive Director, PZ&B  
Cindy Hoskin, JD, Deputy Director, PZ&B  
Jeff Gagnon, AICP, Deputy Planning Director, PBC

Darren Leiser, Esq., Assistant County Attorney  
Khurshid Mohyuddin, AICP, Principal Planner, PBC  
Purvi Bhogaita, Director, PBC PREM  
Isami Ayala-Collazo, Director, Facilities & Operations  
Tim Stillings, AICP, Wellington Planning Director



## Exhibit A - Data And Analysis

Parcel Information						
PARID	Acres	Residential Units	Existing Land Use	Future Land Use	Urban Purpose	5 Acres or Less
00404336000002020	4.93	0	Civic - Assembly	RR-5	Yes	Yes
00404336000002030	4.96	0	Vacant	INST	No	Yes
00404336000002040	4.96	0	Agriculture	RR-5	No	Yes
00404336000002050	4.86	0	Civic - Assembly	RR-5	Yes	Yes
00404336000002060	4.96	0	Agriculture	RR-5	No	Yes
00404336000002070	5.07	0	Agriculture	RR-5	No	No
00404336000002080	5.09	1	Agriculture	RR-5	No	No
00404336000002090	5.01	0	Vacant	RR-5	No	No
00404336000002100	5.01	1	Res. Single Family	RR-5	No	No
00404336000002110	5.01	0	Vacant	RR-5	No	No
00404336000002120	5.01	1	Agriculture	RR-5	No	No
00404336000002130	4.86	1	Res. Single Family	RR-5	No	Yes
00404336000002140	4.86	0	Vacant	RR-5	No	Yes
00404336000002150	5.01	0	Government Lands	RR-5	Yes	No
00404336000002160	5.01	0	Government Lands	RR-5	Yes	No
00404336000002170	5.01	1	Agriculture	RR-5	No	No
00404336000002180	5.01	0	Agriculture	RR-5	No	No
00404336000002190	5.09	0	Agriculture	RR-5	No	No
00404336000002200	5.08	1	Equestrian	RR-5	No	No
00404336000002210	5.02	1	Agriculture	RR-5	No	No
00404336000002220	5.01	0	Vacant	RR-5	No	No
00404336000002230	5.01	0	Vacant	RR-5	No	No
00404336000002240	5.01	0	Civic - Assembly	RR-5	Yes	No
00404336000002250	4.86	0	Agriculture	RR-5	No	Yes
00404336000002260	4.86	0	Vacant	RR-5	No	Yes
00404336000002270	5.01	1	Res. Single Family	RR-5	No	No
00404336000002280	5.01	1	Res. Single Family	RR-5	No	No
00404336000002290	5.01	0	Agriculture	RR-5	No	No
00404336000002300	5.01	1	Res. Single Family	RR-5	No	No
00404336000002310	5.10	1	Agriculture	RR-5	No	No
00404336000002320	5.12	1	Agriculture	RR-5	No	No
00404336000002330	5.03	1	Agriculture	RR-5	No	No
00404336000002340	5.04	0	Equestrian	RR-5	No	No
00404336000002350	5.05	1	Equestrian	RR-5	No	No
00404336000002360	5.03	1	Equestrian	RR-5	No	No
00404336000002370	4.86	0	Agriculture	RR-5	No	Yes
00404336000003020	64.48	1	Agriculture	CL/RR-5	No	No
00404336000007020	5.38	0	Vacant	CL/RR-5	No	No
Road ROW	8.19	0	Road ROW	N/A	Yes	No
<b>Total</b>		<b>257.90</b>				

Source: 2023 PBC Property Appraiser, PBC Planning, Zoning, Building Division  
 Census 2020: Population = 54 persons

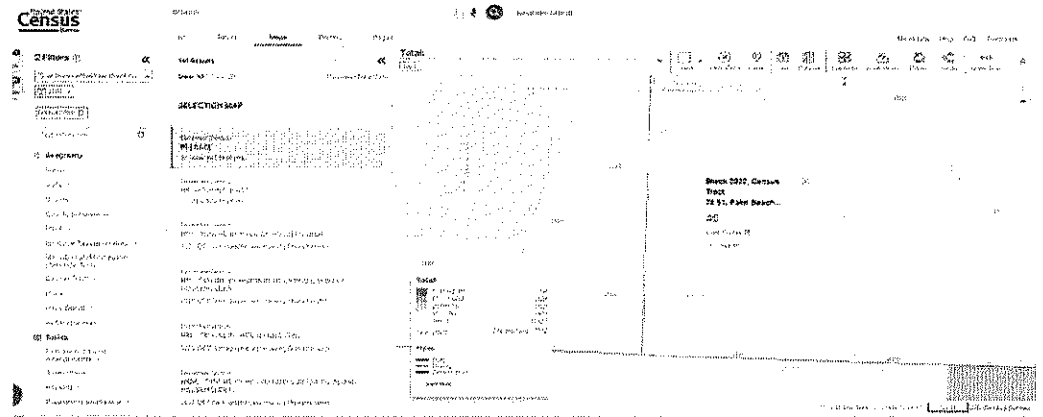
**171.043 (2)**

- (a) 54 persons/257.9 acres = .21 persons per acre (Does not meet criteria of greater than or equal to 2 persons per acre)
- (b) 54 persons/257.9 acres = .21 persons per acre (Does not meet criteria of greater than or equal to 1 person per acre)  
 And (b) total number of lots at 1 acre or less = 0 (Does not meet criteria of at least 60% of lots at 1 acre or less)
- (c) 6/38 lots are used for Urban Purposes = 16% (Does not meet criteria of greater than 60% Urban Purposes)  
 And (c) 39.23 acres of lots less than 5 acres in size/224.89 acres not used for urban purposes = 17%  
 (Does not meet criteria of greater than 60% of area on tracts of 5 acres or less)

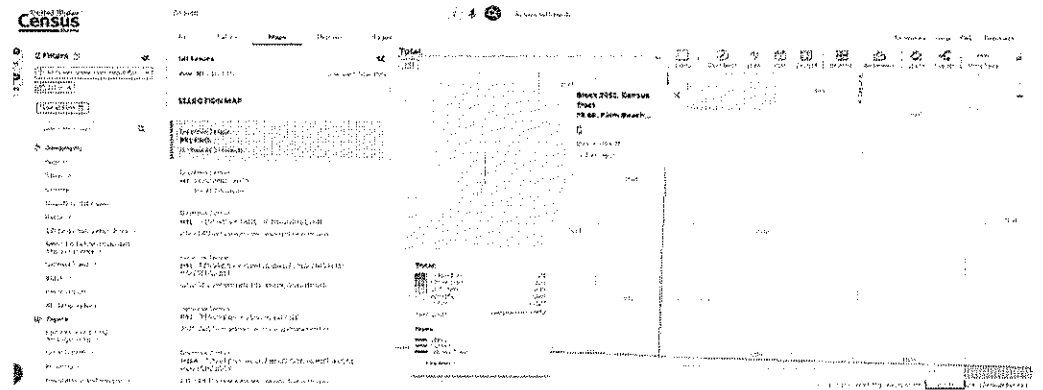


Village of Wellington Proposed Annexation  
State Rd 80 & Seminole Pratt Whitney Rd  
January 3, 2024  
Page 7

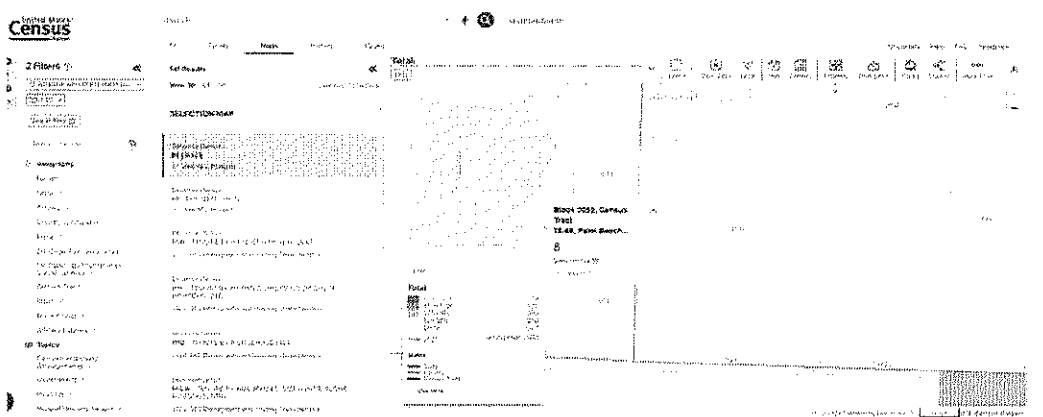
Tract 78.48, Block 2022 = 48



Tract 78.48, Block 2053 = 0

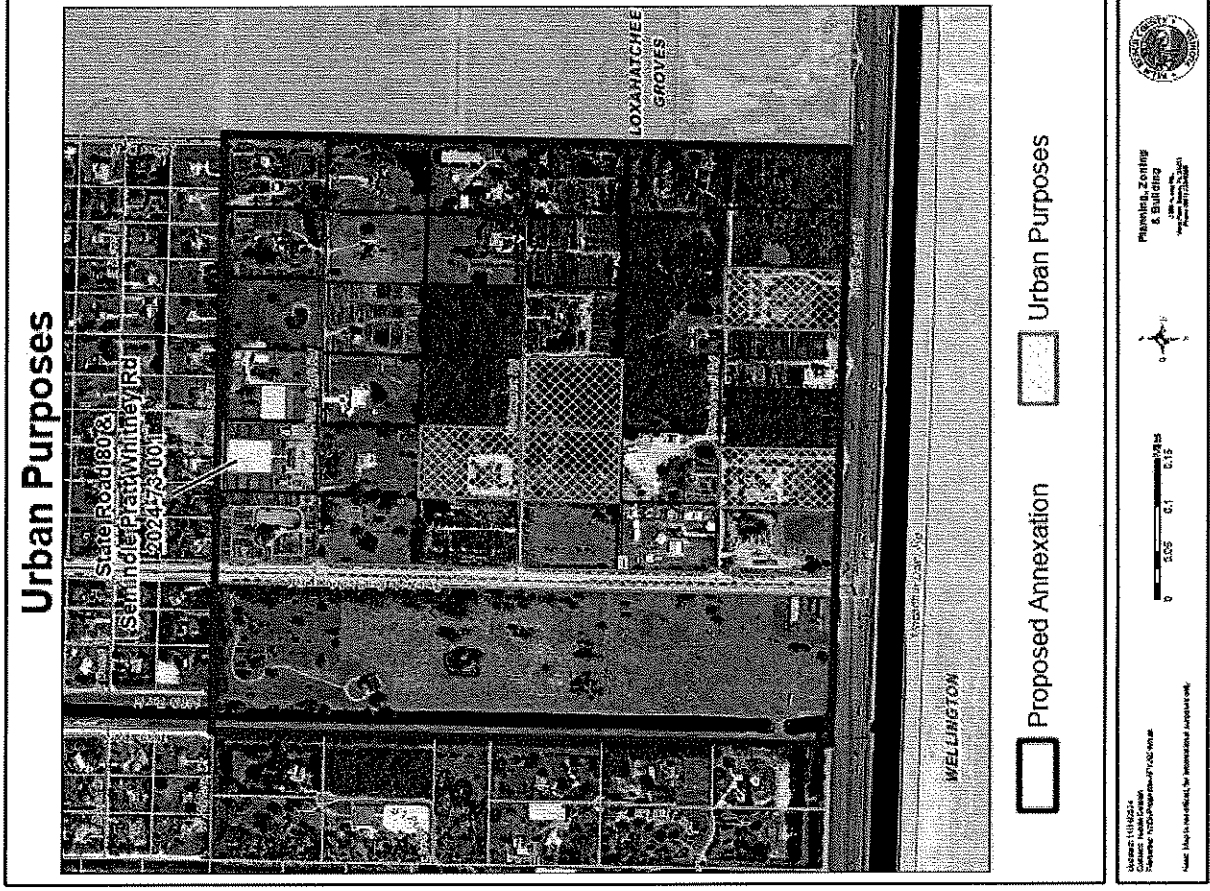
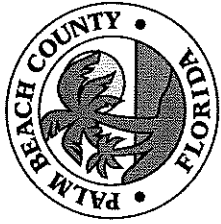


Tract 78.48, Block 2052 = 8











Denise Coffman  
County Attorney

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Board of County  
Commissioners**

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- Maria G. Marino, Vice Mayor
- Gregg K. Weiss
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February 9, 2024

**VIA EMAIL**

Laurie S. Cohen, Village Attorney  
Village of Wellington  
12300 Forest Hill Boulevard  
Wellington, FL 33414

Dear Ms. Cohen:

**RE: Proposed Annexation of Southern Blvd. Properties**

On January 16, 2024, the Village of Wellington’s (the “Village”) board voted to approve at first reading an ordinance proposing to annex 257.9 acres of unincorporated land located on the north side of Southern Boulevard adjacent to the western boundary of the Town of Loxahatchee Groves. The Village’s approval was partly based on Village staff’s erroneous assertion that the proposed annexation area meets the criteria set forth in subsection 171.043(3), Florida Statutes (“Subsection 3”). Please accept this letter as the County’s response to that erroneous assertion and its continuing objection to the annexation. As such, please include this letter in the record for the February 13, 2024 hearing, where you will have the second reading of the annexation ordinance.

At the hearing on January 16, the Village agreed with the County that the proposed annexation area did not meet any of the criteria of being developed for urban purposes set forth in subsection 171.043(2), Florida Statutes. However, the Village voted to approve the ordinance because Village staff asserted that the annexation area met the criteria set forth in Subsection 3. This assertion is legally and factually incorrect. Under Subsection 3 the annexation area may only include land not developed for urban purposes if such land serves as a bridge or a necessary land connection to land developed for urban purposes that is also within the annexation area. The Village admitted that the annexation area does not include any land developed for urban purposes. Therefore, Subsection 3 does not apply and cannot be the justification for proceeding with this annexation.



Letter to Ms. Laurie Cohen  
February 9, 2024  
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The very first part of Subsection 3 states: **"In addition to the area to be developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2)."** This language clearly and unambiguously means that an annexation area under Subsection 3 must include land developed for urban purposes.

Furthermore, Subsection 3 has an explanatory paragraph stating:

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits **to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.**

Consequently, Subsection 3 permits a municipality, **in addition to the area developed for urban purposes**, to include in the area to be annexed land not developed for urban purposes if it either:

- (i) lies between the municipal boundary and land developed for urban purposes such that the land developed for urban purposes cannot be served by the municipality without extending services through the land not developed for urban purposes; or
- (ii) is adjacent, on at least 60% of its external boundary, to any combination of the municipal boundary and the boundary of land developed for urban purposes.<sup>1</sup>

In essence, Subsection 3 allows the municipality to include land that is not developed for urban purposes with land developed for urban purposes in an

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<sup>1</sup> Section 171.043(3), Fla. Stat.; 12A Fla. Jur. 2d, Counties, 41.



Letter to Ms. Laurie Cohen  
February 9, 2024  
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annexation area if the undeveloped land is between the municipal boundary and the land developed for urban purposes. Here, the annexation area does not have any land developed for urban purposes. Therefore, it does not serve as a bridge or a necessary land connection to land developed for urban purposes and does not meet the requirements of Subsection 3. The Village should not approve the proposed annexation ordinance.

If you have any questions regarding this matter, please do not hesitate to contact me 561-355-1105.

Sincerely,

/s/ Darren Leiser  
Darren Leiser  
Assistant County Attorney

c: Board of County Commissioners  
Verdenia Baker, County Administrator  
Denise Coffman, County Attorney  
Patrick Rutter, Deputy County Administrator  
Isami Ayala-Collazo, Assistant County Administrator  
Whitney Carroll, Esq., AICP, Executive Director, PZ&B  
Cindy Hoskin, JD, Deputy Director, PZ&B  
Kevin Fisher, Planning Director, PZ&B  
Jeff Gagnon, AICP, Deputy Planning Director, PZ&B  
Khurshid Mohyuddin, AICP, Principal Planner, PZ&B  
Purvi Bhogaita, Director, PBC PREM  
Jim Barnes, Village Manager, Wellington  
Tim Stillings, AICP, Wellington Planning Director

Select Year: 2023 

## The 2023 Florida Statutes (including Special Session C)

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[Title XII](#)  
MUNICIPALITIES

[Chapter 171](#)  
LOCAL GOVERNMENT BOUNDARIES

[View Entire Chapter](#)

**171.043 Character of the area to be annexed.**—A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

(1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

*History.*—s. 1, ch. 74-190; s. 2, ch. 76-176.

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