



## PLANNING DIVISION STAFF REPORT

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### BOARD OF COUNTY COMMISSIONERS HEARING DECEMBER 7, 2016

#### I. General Data

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<b>Agenda Name:</b>	<b>Voluntary Annexation of the Balsamo Property Within the Unincorporated Protection Area (UPA)</b>
<b>Project Manager:</b>	Patricia Behn, Deputy Planning Director
<b>Recommendation:</b>	Staff recommends <i>approval</i> of the voluntary annexation into the City of Palm Beach Gardens for a property located in the UPA

#### II. Item Summary

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**Summary:** The item before the Board is to consider approval of the voluntary annexation into the City of Palm Beach Gardens of 96.80 acres, located on the north side of Northlake Boulevard, less than a mile east of Coconut Boulevard. This area is within the Unincorporated Protection Area (UPA), as shown on map in Exhibit 1.

**Assessment:** The proposed annexation would address an unincorporated area within the UPA and within the Future Annexation Area of the City of Palm Beach Gardens. The proposed annexation would allow for consistent service delivery by squaring off the municipal boundaries along the north side of Northlake Boulevard. This annexation meets the requirements of Chapter 171, Florida Statutes.

### III. Background

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The property owner has requested the annexation of a parcel consisting of 96.80 acres into the City of Palm Beach Gardens. This parcel is located within an area of the County known as the Unincorporated Protection Area (UPA). The UPA is defined as all unincorporated lands located outside the urban service area as established in the Palm Beach County Comprehensive Plan. The City is requesting consent by the Board of County Commissioners as required by the County's Charter. The City Council approved the annexation ordinance on first reading at the November 3, 2016 City Council Meeting and will consider adoption of the ordinance upon second reading on November 16, 2016. The ordinance, included in Exhibit 2, specifies that the annexation is contingent upon the BCC approval.

### IV. Data and Analysis Summary

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The proposed annexation was processed through the County's review department. The Planning Division did not receive negative comments from the departmental review. 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.

**Consistency with Florida Statutes:** Chapter 171 of the Florida Statutes establishes the annexation procedures for adjusting municipal boundaries. This proposed annexation meets the criteria and requirements of Chapter 171, F.S., as it is contiguous to the City's boundaries, is reasonably compact and does not create enclaves, pockets or finger areas.

**Consistency with County Policy:** The Palm Beach County Charter established an exclusive method for voluntary annexations outside the County's urban service area. Pursuant to the requirements of the Charter, this annexation in the UPA requires approval by an affirmative vote of at least **FIVE** members of the Board of County Commissioners (BCC). The proposed annexation is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan, which supports municipal efforts to secure boundary changes that maintain cost-effective service delivery.

### V. Staff Assessment

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The proposed annexation meets the requirements of Chapter 171, F.S., for annexation and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan. Therefore, County staff recommends **approval** of the voluntary annexation in the UPA.

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Exhibit 1

# Annexation Location Map

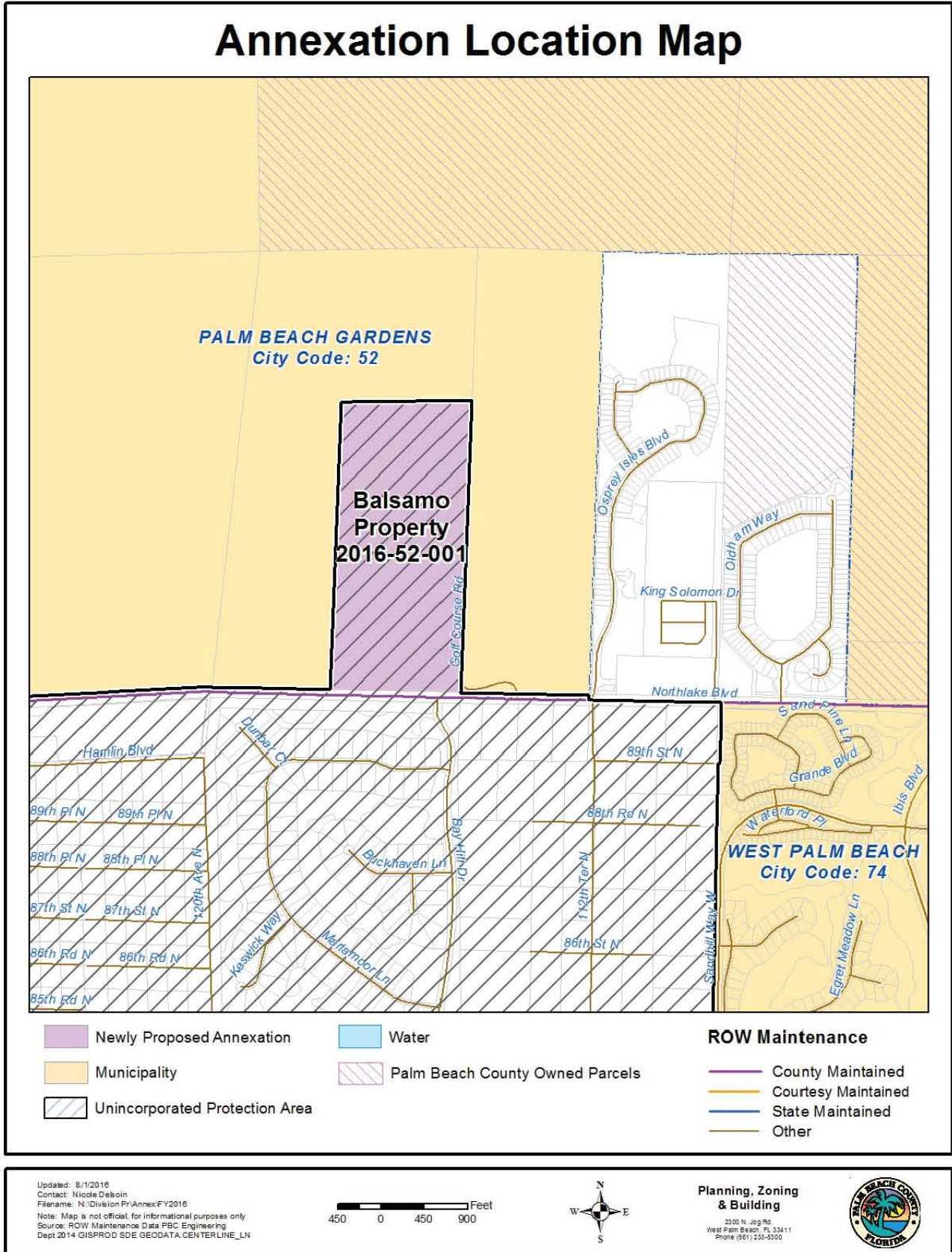


EXHIBIT 2

ORDINANCE 10, 2016

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**AN ORDINANCE OF THE CITY COUNCIL OF CITY OF PALM BEACH GARDENS, FLORIDA EXPANDING THE CITY'S MUNICIPAL BOUNDARIES BY THE VOLUNTARY ANNEXATION OF A PARCEL OF REAL PROPERTY COMPRISING A TOTAL OF 96.80 ACRES, MORE OR LESS, IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, SUCH PARCEL BEING GENERALLY LOCATED ON THE NORTH SIDE OF NORTHLAKE BOULEVARD APPROXIMATELY THREE-QUARTERS OF A MILE EAST OF COCONUT BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING ARTICLE II OF THE CITY CHARTER TO REDEFINE THE CORPORATE LIMITS, PURSUANT TO A PETITION FOR VOLUNTARY ANNEXATION; DECLARING THAT THE VOLUNTARY ANNEXATION PETITION BEARS THE SIGNATURE OF THE OWNER OF THE REAL PROPERTY ANNEXED HEREBY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Palm Beach Gardens has received an application from Salvatore J. Balsamo Trust for voluntary annexation of a property consisting of 96.80 ± acres, more or less, currently located in Palm Beach County into the City of Palm Beach Gardens; and

**WHEREAS**, the area to be annexed is contiguous to the City and reasonably compact; and

**WHEREAS**, the annexation of the area will not result in the creation of any new enclaves; and

**WHEREAS**, the area to be annexed is located within the Palm Beach County Unincorporated Protection Area (UPA); and

**WHEREAS**, Section 7.1 of the Palm Beach County Charter requires that the annexation of any parcel located within the UPA be approved by an affirmative vote of at least five (5) members of the Board of County Commissioners; and

**WHEREAS**, consideration of approval and a vote thereon by the Board of County Commissioners is scheduled for December 7, 2016; and

**WHEREAS**, the area to be annexed satisfies the requirements of Chapter 171, *Florida Statutes*, concerning the character of the area to be annexed; and

1           **WHEREAS**, the annexation area is included on the City's Potential Future  
2 Annexation Map of the City's Comprehensive Plan; and

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4           **WHEREAS**, the Planning and Zoning Department has reviewed the application  
5 and has determined that it is sufficient; and

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7           **WHEREAS**, on September 13, 2016, the Planning, Zoning, and Appeals Board  
8 recommended approval by a vote of 7 to 0; and

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10           **WHEREAS**, the City Council deems approval of this Ordinance to be in the best  
11 interest of the health, safety, and welfare of the residents and citizens of the City of Palm  
12 Beach Gardens and the public at large.

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15           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
16 **OF PALM BEACH GARDENS, FLORIDA** that:

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18           **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.

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20           **SECTION 2.** The City Council of the City of Palm Beach Gardens finds that the  
21 written petition for voluntary annexation filed with the City bears the signature(s) of the  
22 owner(s) of the real property to be annexed into the City.

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24           **SECTION 3.** The real property consisting of 96.80 ± acres, more or less, legally  
25 described by metes and bounds as set forth in Exhibit "A" and depicted on the map,  
26 attached hereto as Exhibit "B" and made a part hereof, being the subject of the aforesaid  
27 petition for voluntary annexation filed in accordance with Section 171.044, *Florida*  
28 *Statutes*, is hereby annexed into the City of Palm Beach Gardens, Florida.

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30           **SECTION 4.** Article II of the Charter of the City of Palm Beach Gardens, Florida,  
31 which contains the legal description of the City's incorporated municipal boundaries is  
32 hereby redefined to include the above-described real property, and the property is hereby  
33 declared to be within the City's corporate limits. A certified copy of this Ordinance shall  
34 be filed as a revision of the City Charter with the Department of State of the State of  
35 Florida within 30 days from the effective date of this Ordinance in accordance with  
36 Sections 166.031(3) and 171.091, *Florida Statutes*.

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38           **SECTION 5.** Section 2-1 of the City Charter, entitled "Boundaries", is hereby  
39 amended to reflect the property annexed into the City by this Ordinance.

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41           **SECTION 6.** The City Clerk is hereby directed to file a copy of this Ordinance  
42 with the Clerk of the Circuit Court of Palm Beach County, the Chief Administrative Officer  
43 of Palm Beach County, and the Department of State.

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45           **SECTION 7.** All ordinances or parts of ordinances in conflict be and the same  
46 are hereby repealed.



**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016, upon second and final reading.

<b>CITY OF PALM BEACH GARDENS</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSENT</b>
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By _____ Marcie Tinsley, Mayor	_____	_____	_____
_____	_____	_____	_____
Eric Jablin, Vice Mayor	_____	_____	_____
_____	_____	_____	_____
Robert Premuroso, Councilmember	_____	_____	_____
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Maria Marino, Councilmember	_____	_____	_____
_____	_____	_____	_____
Carl Woods, Councilmember	_____	_____	_____

**ATTEST:**

BY: \_\_\_\_\_  
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
R. Max Lohman, City Attorney

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**EXHIBIT "A"**

A PARCEL OF LAND IN THE WEST 1/2 OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SAID WEST 1/2 OF SECTION 14;

THENCE SOUTH 03°26'56" WEST ALONG THE EAST LINE OF THE SAID WEST 1/2 OF SECTION 14, A DISTANCE OF 1592.57 FEET TO A "SET" 4 X 4 CONCRETE MONUMENT WITH AN ALUMINUM DISK IN THE TOP, SAID CONCRETE MONUMENT BEING THE POINT OF BEGINNING;

THENCE NORTH 89°44'06" WEST ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE WEST 1/2 OF SECTION 14, A DISTANCE OF 1351.88 FEET TO A "SET" 4 X 4 CONCRETE MONUMENT WITH AN ALUMINUM DISK IN THE TOP;

THENCE SOUTH 05°30'21" WEST, A DISTANCE OF 3004.92 FEET TO A POINT IN THE NORTH R/W LINE OF LAKE PARK WEST ROAD, AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS OF PALM BEACH COUNTY (SAID POINT IS WITNESSED BY A "SET" 4 X 4 CONCRETE MONUMENT WITH AN ALUMINUM DISK IN THE TOP WHICH IS 10 FEET, NORTH 05°30'21" EAST OF SAID POINT);

THENCE SOUTH 87°20'18" EAST ALONG SAID R/W LINE, A DISTANCE OF 1456 FEET TO A "SET" 4 X 4 CONCRETE MONUMENT WITH AN ALUMINUM DISK IN THE TOP MARKING A POINT IN THE EAST LINE OF THE SAID WEST 1/2 OF SECTION 14;

THENCE NORTH 03°28'56" EAST, A DISTANCE OF 3058.07 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING,

LESS AND EXCEPT THAT PARCEL CONVEYED TO PALM BEACH COUNTY FOR ROAD PURPOSES IN OFFICIAL RECORDS BOOK 12619, PAGE 1158.

CONTAINING 96.802 ACRES, MORE OR LESS.



## EXHIBIT "B"

