

# TAB 6

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: No. 5, 2003

Agenda Item No. 8

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION     |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION     |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> BID/RFP AWARD  |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    |   |
| <input type="checkbox"/> Other:                      |   |

**SUBJECT:** *A resolution authorizing and directing the mayor to execute an Interlocal Agreement for development of A Target store*

**RECOMMENDED MOTION/ACTION:**

*Approve Resolution 30-11-03.*

Approved by Town Manager *J. Douglas Dwyer* Date: *10/30/03*

Originating Department: Clerks Office	Costs: \$  Funding Source:  Acct. #	
Department Review: <input checked="" type="checkbox"/> City Attorney <i>DOB</i> <input type="checkbox"/> Community Affairs <i>N/A</i> <input type="checkbox"/> Community Development <i>N/A</i>	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Department _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	<b>Finance Director Approval:</b>	<b>Attachments:</b>

**Summary Explanation/Background:**

*This Resolution authorizes and directs the mayor to execute an interlocal agreement between the Town and the City of Palm Beach Gardens. The interlocal agreement establishes procedures for the joint review of an application for a Target Store.*

**RESOLUTION NO. 30-11-03**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ON BEHALF OF THE TOWN AN INTERLOCAL AGREEMENT WITH THE CITY OF PALM BEACH GARDENS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park (Town) and the City of Palm Beach Gardens (City) both exercise zoning authority over properties within their respective jurisdictions; and

**WHEREAS**, the developer of a proposed Target store (Developer) proposes to develop a 19.12 acre parcel of property (the subject property), 57% of which is within the Town and 43% of which is within the City; and

**WHEREAS**, because the subject property is planned to be developed in both the Town and the City, the Town and the City have agreed to jointly review the proposed development; and

**WHEREAS**, the Town and the City have agreed that it is in the best interests of the Developer as well as the residents and visitors of the Town and the City to provide a process for centralized development, permitting and code enforcement; and

**WHEREAS**, Section 163.01, F.S., authorizes and encourages local governments to make the most efficient use of their powers by enabling them to cooperate in the provision of services and facilities; and

**WHEREAS**, the Interlocal Agreement attached hereto and incorporated herein as Exhibit "A" would allow the Town and the City to make the most efficient use of their police powers and would therefore further the health, safety and welfare of residents and visitors to the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

Section 1.

The Mayor is hereby authorized and directed to execute the Interlocal Agreement between and the Town and the City.

Section 2.

This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Garretson, who moved its adoption. The motion was seconded by Commissioner Otterson and upon being put to a roll call vote, the vote was as follows.

	AYE	NAY
MAYOR PAUL W. CASTRO		-
VICE-MAYOR G. CHUCK BALIUS		
COMMISSIONER PAUL GARRETSON		
COMMISSIONER BILL OTTERSON		
COMMISSIONER JEANNINE LONGTIN		

The Mayor thereupon declared the foregoing Resolution No. 30-11-03 duly passed and adopted this 5<sup>th</sup> day of November 2003.

TOWN OF LAKE PARK, FLORIDA

ATTEST

BY: \_\_\_\_\_

PAUL W. CASTRO, MAYOR

\_\_\_\_\_  
CAROL SIMPKINS, TOWN CLERK

Approved as to form and legal  
sufficiency:

BY: \_\_\_\_\_

TOWN ATTORNEY

**INTERLOCAL AGREEMENT**  
**BETWEEN THE CITY OF PALM BEACH GARDENS AND TOWN OF LAKE PARK**  
**FOR JOINT DEVELOPMENT REVIEW**  
**FOR PROPERTY AT THE SOUTHEAST CORNER OF NORTHLAKE BOULEVARD**  
**AND CONGRESS AVENUE**

**THIS INTERLOCAL AGREEMENT** ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by and between CITY OF PALM BEACH GARDENS, a municipal corporation, and TOWN OF LAKE PARK, a municipal corporation.

**WHEREAS**, the owners of portions of a 19.12-acre ("owners"), more or less, parcel of land generally located on the southeast corner of Congress Avenue and Northlake Boulevard seek to develop the Site ("Site") as a unified project; and

**WHEREAS**, approximately 8.29 acres or 43% of the site is within the City of Palm Beach Gardens ("City") and 10.83 acres or 57% of the "Site" is within the Town of Lake Park ("Town"), the legal description of which is more particularly described on Exhibit "A," which is attached hereto and incorporated herein; and

**WHEREAS**, because the Site is planned to be developed by making use of the property located in both the Town and the City, an Interlocal Agreement is in the best interest of all parties; and

**WHEREAS**, the Site is significant because of its location as a gateway to both the Town and the City; and

**WHEREAS**, it is the intent of the City and Town to implement the Northlake Boulevard Overlay Zoning District ("NBOZ") and to establish consistent land development regulations for the Site; and

**WHEREAS**, the City and Town propose to provide a process for centralized development review, permitting, and code enforcement so as to enable the owner(s) of the Site to develop and utilize the property in accordance with the comprehensive plans and land development regulations of both municipalities; and

**WHEREAS**, the City and Town are authorized pursuant to Section 163.01, Florida Statutes, to enter into this Agreement; and

**WHEREAS**, in the spirit of intergovernmental coordination and in support of the efforts of the Northlake Boulevard Corridor Task Force and a mutual desire to promote good community planning within and beyond the boundaries of both municipalities, the City and the Town recognize that it is in their mutual best interests to enter into this Agreement.

**NOW, THEREFORE,** in consideration of the obligations and undertakings described below, the City and Town do hereby enter into this Interlocal Agreement and represent, covenant, and agree as follows:

1. RECITALS.

The foregoing recitals are true and correct and express the City's and Town's mutual interest in development of the Site.

2. IMPLEMENTATION OF AGREEMENT.

- (a) City and Town shall each appoint an "Administrator" for the purposes of this Interlocal Agreement to coordinate the administration of the review of applications for applications for development of the Site between the municipalities.
- (b) It is contemplated that the proposed development of the Site will require a rezoning by both the Town and City. Each municipality shall be responsible for reviewing all applications for consistency with their respective land development regulations, comprehensive plans, and the regulations of the NBOZ, but each jurisdiction shall take separate action at jointly held meetings for the approval of such applications. In case of conflict with other municipal code provisions, the provisions of the NBOZ for waivers or variances, as permitted under each jurisdiction's municipal code, shall apply.
- (c) In order to maintain an orderly development review process, the City shall be responsible for leading the processing of all development applications with regard to the Site, in accordance with the City's procedures and the procedures set forth in the NBOZ regulations. The Town and City shall review applications jointly, which shall incorporate the City's DRC process, with a Planner representative of the Town serving on the DRC. The Planning Departments shall issue one staff report and recommendation. The recommendations by both municipalities' Planning and Zoning bodies and the City Council and Town Commission shall occur at joint public meetings to be noticed and scheduled through the Administrators.
- (d) This Agreement shall apply to any expansion or contraction area of the Site which is contiguous to the original site and thereby changing the percentage of land area in the respective jurisdictions and corresponding pro-rata calculations as defined herein.
- (e) Prior to the Planning and Zoning public hearing, the parcel owner shall submit an agreement acceptable to the City to provide for payment of fees to the City in lieu of road, fire, and police impact fees.

(f) Property taxes for the buildings and other improvements on the Site shall be prorated to each municipality based on percentage of the Site located within the municipality. Property taxes for land shall be paid in accordance with the normal procedure of the Palm Beach County Tax Collector. The City agrees to remit to the Town, on an annual basis, an amount equal to the difference in the ad valorem taxes which would have been generated had the building been constructed entirely within the Town, and the amount of ad valorem taxes actually received by the Town. Additionally, the City agrees to remit to the Town, on an annual basis, an amount equal to the difference in any applicable occupational license fees, franchise fees or public service taxes which would have been generated had the building been constructed entirely within the Town and the amount of such taxes or fees actually received by the Town.

(g) Service provision shall be as described below:

(1) The Town and City shall both collect the required application fees and related costs for planning, legal, engineering, and other professional services. The municipality in which the structure is located shall collect the required building permit fees and occupational license fees, and that municipality shall perform all necessary building inspections. If a structure is located within both municipalities, the Town shall collect the required building permit fees and perform all necessary building inspections. Site development permits for the entire site shall be reviewed and approved by both municipalities and issued by each municipality for the portion of the site located within that municipality. All applications for building and landscaping permits and certificates of occupancy shall be submitted simultaneously to the City and Town for review. The Town shall not issue any such permits or certificates of occupancy until the City has approved such applications and notified the Town in writing.

(h) A single plat for the Site shall be approved by both municipalities. The owner shall be required to provide a Unity of Control acceptable to the City and Town for the affected property should it ever be subdivided into separate tracts under different ownership.

(i) All future development applications, including amendments to the development order for the Site, shall require joint review and approval by the municipalities, consistent with the above-described process.

3. FIRE AND POLICE PROTECTION AND CODE ENFORCEMENT.

The parties agree that it is in the best interest of both municipalities that fire and police protection and code enforcement for the entire site be the responsibility of the City. The parties agree to enter into a separate Interlocal Agreement to establish the specific terms and conditions under which fire and police protection

and code enforcement will be provided by the City.

4. NORTHLAKE BOULEVARD OVERLAY DISTRICT.

The Town and City hereby acknowledge that each municipality has a common goal regarding development review and procedures on Northlake Boulevard, and each has adopted the procedures and requirements of the NBOZ. The municipal boundaries for each municipality shall be designated on the approved Site Plan. Jurisdiction for the enforcement of applicable code requirements shall be based upon the physical/geographical location of any alleged violation and the municipality in which the alleged violation is located shall have code enforcement jurisdiction. In the event that an alleged violation exists in both municipalities and/or a violation of one or more conditions of approval of the approved Site Plan or plat exists, both municipalities shall have concurrent jurisdiction for purposes of code enforcement.

5. MODIFICATION OF AGREEMENT.

This Agreement may be modified only upon majority vote of the governing body in each municipality.

6. DURATION.

This Agreement shall be terminated if the site is not developed as a unified parcel requiring joint approvals by both the Town and City. This Agreement shall remain in effect as long as a unified development exists on the site, but may be terminated or amended in writing by both parties with adequate notice to the property owner of record.

7. RECORDATION IN PUBLIC RECORDS.

This Agreement shall be filed in the Public Records of Palm Beach County.

8. LEGISLATIVE POWER.

This Agreement is not intended nor shall it be constructed as a delegation of legislative power to the other municipality or the Administrator.

9. GOVERNING LAW.

This Agreement shall be governed by, and constructed and enforced in accordance with the laws of the State of Florida.

10. COUNTERPARTS.



This Interlocal Agreement may be executed in one or more counterparts, each of which together shall constitute one and the same instrument.

11. EFFECTIVE DATE.

This Agreement shall be effective upon full execution by the City and Town.

(The remainder of this page left intentionally blank)

**IN WITNESS WHEREOF**, the parties hereto have set their respective hands and seals on the day and year first above written.

**EXECUTED BY THE CITY** this \_\_\_\_ day of \_\_\_\_\_, 2003.

**CITY OF PALM BEACH GARDENS, FLORIDA**

BY: \_\_\_\_\_  
Eric Jablin, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

BY: \_\_\_\_\_  
Christine P. Tatum, City Attorney

**EXECUTED BY THE TOWN** this 5<sup>th</sup> day of November, 2003.

**ATTEST:**

**TOWN OF LAKE PARK, FLORIDA**

BY: \_\_\_\_\_  
TOWN CLERK

BY: \_\_\_\_\_  
MAYOR

Carol Simpkins, CMC  
Print Name

Paul Castro  
Print Name

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

BY: \_\_\_\_\_  
TOWN ATTORNEY

Thomas Baird  
Print Name