

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

RESOLUTION R04- 154

A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOYNTON BEACH AND THE TOWN OF GULF STREAM, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Gulf Stream is foregoing it's right to annex certain unincorporated properties lying near or adjacent to the corporate boundaries of the Town of Gulf Stream in favor of the annexation by the City of Boynton Beach, and;

WHEREAS, the unincorporated properties are not currently contiguous to land within the jurisdictional of the City of Boynton Beach and not immediately subject to annexation, and;

WHEREAS, staff has reviewed and recommends acceptance of the Interlocal Agreement, a copy of which is attached hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

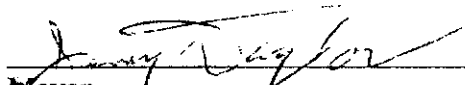
Section 2. Upon recommendation of staff, this Commission does hereby authorize execution of this Interlocal Agreement between the City of Boynton

1 Beach and the Town of Gulf Stream, which Agreement is attached hereto and
2 made a part here.

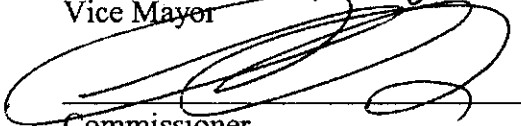
3 Section 3 That this Resolution shall become effective immediately upon
4 passage.


5 PASSED AND ADOPTED this 7 day of September, 2004.

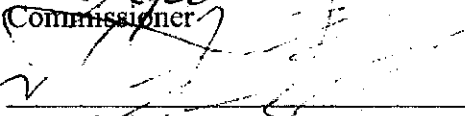
6
7 CITY OF BOYNTON BEACH, FLORIDA

8
9 
10 Mayor

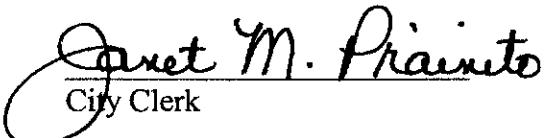
11 
12 Vice Mayor

13 
14 Commissioner

15
16 
17 Commissioner

18
19 
20 Commissioner

21
22
23 ATTEST:

24 
25 City Clerk

26
27 (Corporate Seal)





CITY OF BOYNTON BEACH
AGENDA ITEM REQUEST FORM

<u>Requested City Commission Meeting Dates</u>	<u>Date Final Form Must be Turned in to City Clerk's Office</u>	<u>Requested City Commission Meeting Dates</u>	<u>Date Final Form Must be Turned in to City Clerk's Office</u>
<input type="checkbox"/> August 3, 2004	(Noon.) July 19, 2004	<input type="checkbox"/> October 5, 2004	(Noon) September 20, 2004
<input type="checkbox"/> August 17, 2004	(Noon) August 2, 2004	<input type="checkbox"/> October 19, 2004	(Noon) October 4, 2004
<input checked="" type="checkbox"/> September 7, 2004	(Noon) August 16, 2004	<input type="checkbox"/> November 3, 2004	(Noon) October 18, 2004
<input type="checkbox"/> September 21, 2004	(Noon) September 7, 2004	<input type="checkbox"/> November 16, 2004	(Noon) November 1, 2004

NATURE OF AGENDA ITEM

- | | |
|--|--|
| <input type="checkbox"/> Administrative | <input type="checkbox"/> Development Plans |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> New Business |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Legal |
| <input type="checkbox"/> Bids | <input type="checkbox"/> Unfinished Business |
| <input type="checkbox"/> Announcement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> City Manager's Report | |

CITY OF BOYNTON BEACH
CITY CLERK'S OFFICE
01 AUG 24 AM 10:49

RECOMMENDATION: To approve the Interlocal Agreement between the City Of Boynton Beach and the Town of Gulf Stream, Florida.

EXPLANATION: The Town of Gulf Stream has been giving consideration to the annexation of several unincorporated properties lying near or adjacent to the corporate boundaries of the Town of Gulf Stream. Said unincorporated areas are not currently contiguous to land within the jurisdictional limits of the City of Boynton Beach and are not immediately subject to annexation. To assure the Town of Gulf Stream that said properties will not exceed the 35 ft. height requirement and to assure that the density will not exceed six units per acre, Gulf Stream is willing to forego its right to annex said properties in favor of the annexation by City of Boynton Beach.

PROGRAM IMPACT: The City of Boynton Beach will agree that the said properties annexed shall be subject to a binding provision in the Code that no structures included with the annexed properties may be constructed to a height in excess of 35 ft. and no density shall be allowed in excess of six units per acre.

FISCAL IMPACT:

ALTERNATIVES:

Department Head's Signature

City Manager's Signature

Department Name

City Attorney / Finance / Human Resources

INTERLOCAL AGREEMENT

THIS AGREEMENT shall be effective as of the 7 day of September, 2004, (the "effective date") and is being entered into by and between the TOWN OF GULF STREAM, FLORIDA, and the CITY OF BOYNTON BEACH, FLORIDA.

WITNESSETH:

WHEREAS, the Town of Gulf Stream has been giving consideration to the annexation of several unincorporated properties lying near or adjacent to the corporate boundaries of the Town of Gulf Stream; and

WHEREAS, the City of Boynton Beach has entered into certain agreements that commit property owners to annex into the City of Boynton Beach if and when the owner's property becomes contiguous to the City of Boynton Beach; and

WHEREAS, said unincorporated areas are not currently contiguous to land within the jurisdictional limits of the City of Boynton Beach and, therefore, are not immediately subject to annexation; and

WHEREAS, the interest of the Town of Gulf Stream in annexing said properties is to assure the Town that said properties will not exceed the 35 foot height requirement presently existing in the unincorporated area and so as to assure that the density will not exceed six (6) units per acre; and

WHEREAS, the Town of Gulf Stream is willing to forego its right to annex said properties in favor of annexation by the City of Boynton Beach subject, however, to the City of Boynton Beach agreeing that subsequent to annexation the height and density requirements referenced herein will not be exceeded.

NOW, THEREFORE, the parties to this Agreement hereby agree as follows:

Section 1. The Town of Gulf Stream shall not seek to annex those unincorporated properties referenced herein as defined in Exhibit "A" attached hereto and will state no objection to said properties being annexed by the City of Boynton Beach should the City of Boynton Beach attempt to annex said properties subject, however, to the City of Boynton Beach agreeing to the terms set forth herein.

Section 2. In consideration for the agreement from the Town of Gulf Stream not to seek annexation of the properties described herein and to state no objection to said annexation by the City of Boynton Beach, the City of Boynton Beach, in consideration therefore, agrees that the properties annexed shall be subject to a binding provision in the Code of the City of Boynton Beach which will provide that no structures included within the annexed properties may be constructed to a height in excess of 35 feet and that no density shall be allowed in excess of six (6) units per acre.

Section 3. The provisions relating to height and density referenced in Section 2 above shall be incorporated within the Zoning Code of the City of Boynton Beach and, to further assure said compliance, it shall be made a condition of any annexation agreement between the owners of the unincorporated properties and the City of Boynton Beach that structures on said property shall not exceed the 35 foot height limitation or the six (6) unit per acre density requirement referenced herein.

Section 4. The term of this Agreement shall be from the Agreement's effective date through _____, 2030.

Section 5. In the event of any litigation or administrative proceeding to settle issues arising hereunder, the prevailing party shall be entitled to recover against the

other party its costs and expenses, including reasonable attorney's fees, which shall include, but not be limited to, fees and costs for any appeal that may be taken.

Section 6. This Agreement represents the entire understanding and agreement between the parties with respect to the subject matter hereof.

Section 7. The preparation of this Agreement is considered a joint effort of the parties and, accordingly, this Agreement shall not be construed more severely against one of the parties than the other.

Section 8. All of the terms and provisions of this Agreement, whether so expressed or not, shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective legal representatives, successors and permitted assigns.

Section 9. If any part of this Agreement is contrary to, prohibited by or deemed invalid under applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible.

Section 10. This Agreement and all transactions contemplated by this Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Florida. Venue of all proceedings in connection herewith shall be exclusively in Palm Beach County, Florida and each party hereby waives whatever their respective rights may have been in the selection of venue.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year hereinafter written.

TOWN OF GULF STREAM

By William F Koch
Its Mayor

Attest: Rita S. Taylor

Dated: 10-8-04

CITY OF BOYNTON BEACH

By Rita S Taylor
Its MAYOR

Attest: John King

Dated: 9/10/04

APPROVED AS TO FORM:
DAVID 9/10/04
CITY ATTORNEY
ABE

EXHIBIT "A"

Vista Apartments
4450 N. Ocean Blvd.
PCN: 00 43 45 34 00 002 0180

Vista Villas Condominium
4448 N. Ocean Blvd.
PCN: 00 43 45 34 27 000 0000

Gulf Stream Villas Condominium
4440 N. Ocean Blvd.
PCN: 00 43 45 34 27 000 0000

Gulf Stream Villas South Condominium
4400 N. Ocean Blvd.
PCN: 00 43 45 34 23 000 0000

Sea Ridge Condominium
4300 N. Ocean Blvd.
PCN: 00 43 45 34 29 000 0000

Sea Horse Bath & Tennis Club
4001 N. Ocean Blvd.
PCN: 00 43 45 34 37 000 0000

Polo Ridge
3960 N. Ocean Blvd.
PCN: 00 43 45 34 00 002 0280 & 0290

L'Hermitage Condominium
3900 N. Ocean Blvd.
PCN: 00 43 45 34 34 000 0000

Ballantrae Condominium
4333 N. Ocean Blvd.
PCN: 00 43 45 34 31 000 0000

Bellamar House Condominium
3951 N. Ocean Blvd.
PCN: 00 43 45 34 30 000 0000

Gulfstream Manor Condominium
Phase 1
3901 N. Ocean Blvd.
PCN: 00 43 45 34 32 000 0000

St. Andrews Club (Tennis Courts)
n/a (Office-4475 N. Ocean Blvd.)
PCN: 0043 46 34 00 002 0390

ST ANDREWS FAIRWAYS CONDO

BENCH COMBER

0-10

COND

5.2

0-2-16

N 716

N 816

N 940

00 2-15
3.63AC

N 1184

295 15

ST ANDREWS OCEAN COND

08 2-17

HILLS OF HSE
GULFSTREAM CONDO

1.1

6

6.1

4

5

7

3.1

7

VISTA APTS

VISTA VILLAS

Gulfstream Villas Grand

Gulfstream Villas South Condo

SEA RIDGE CONDO

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

SEA BATH

BALLANTRAE CONDOMINIUM

HORSE & TENNIS CO-OP

BELLAMAR HOUSE COND

GULFSTREAM MANOR CONDO PHASE I

POLO RIDGE 2-28

00 2-29

L'HERMITAGE COND

L'HERMITAGE COND

L'HERMITAGE COND

L'HERMITAGE COND

L'HERMITAGE COND

L'HERMITAGE COND

701 1.07 AC

2.21

OCEAN BLVD PETPIS

RESOLUTION NO. 04-12

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF GULF STREAM AND THE CITY OF BOYNTON BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Gulf Stream wishes to enter into an Interlocal Agreement with the City of Boynton Beach relating to annexation; and

WHEREAS, a copy of said Interlocal Agreement is attached hereto and incorporated herein

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Town Commission does hereby approve the Interlocal Agreement between the Town of Gulf Stream and the City of Boynton Beach, which Interlocal Agreement is attached hereto and made a part hereof, and hereby authorizes execution of same.

SECTION 2. The effective date of this Resolution shall be immediately upon its passage by the Town of Gulf Stream.

PASSED AND ADOPTED in a regular session assembled this 8th day of October, 2004.

TOWN OF GULF STREAM

William F. Kasky
MAYOR

James J. O'Brien
VICE MAYOR

Fred J. Davis
COMMISSIONER

William A. Lynch
COMMISSIONER

[Signature]
COMMISSIONER

ATTEST:

Rita L. Taylor
TOWN CLERK

Unincorporated Areas Near Gulfstream

