



October 18, 2011

REC'D OCT 19 2011

Louis Vilardo
Juno Isles Civic Association
P.O. Box 14421
North Palm Beach, FL 33408

Denise M. Nieman
County Attorney

RE: Response to Your Letter of October 13, 2011 regarding Annexation of Holy Spirit Lutheran Church, 2011-28-001

Dear Mr. Vilardo:

This letter is in response to the concerns you raised in your letter to Commissioner Marcus dated October 13, 2011.

- County staff review of annexation is made by the Palm Beach County Planning Division based on input from the various county departments including the County Attorney's Office. The County Attorney's Office offers input based on the legal requirements for annexation.
- The annexation of 2004 reduced the size of a previously identified unincorporated pocket. The County as property owner consented to the annexation of County natural areas that made up a large portion of the annexation. The annexation allowed the Town of Juno Beach to provide various services to the natural areas that were the subject of the annexation. This is consistent with the interlocal agreement entered into in 1997 where the Town of Juno agreed to provide these services after annexation.
- The incorporated or unincorporated status of a roadway does not change the review the County undertakes regarding a municipal annexation. The annexation statute specifically prohibits municipalities from annexing roadways in a "corridor fashion" to gain contiguity. The statute allows a municipality to annex property across the street from a municipality without annexing the roadway. Voluntary annexations require petition by the property owner and in most cases do not include adjacent publicly owned right of way.
- The Lutheran Church property will remain subject to the county development order after annexation. The Town of Juno Beach as the local government with police power over the church will have the jurisdiction to change the development order subject to the notice and substantive requirements of the Juno Beach code.

Attached find the staff letter issued by the Palm Beach County Planning Division regarding the proposed annexation of the Lutheran Holy Spirit Church. If I can be of further assistance, please call me at 561-355-4190.

Sincerely,

Robert P. Banks
Assistant County Attorney

Attachments: Planning Division Letter

- cc: The Honorable Karen T. Marcus, District 1 Commissioner
Members of the Board of County Commissioners
Denise Nieman, County Attorney
Robert Weisman, County Administrator
Verdenia Baker, Deputy County Administrator
Barbara Alterman Esq., PZ&B Executive Director
Lorenzo Aghemo, Planning Director
Patricia Behn, Senior Planner

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