

Juno Isles Civic Association

P. O. Box 14421, North Palm Beach, FL 33408

January 12, 2010

Commissioner Karen Marcus
301 Olive Ave, ste. 1201
West Palm Beach, FL 33401

Dear Commissioner Marcus:

On behalf of the Juno Isles Civic Association, I am writing to object to Juno Beach's proposal to annex Donald Ross road west of Ellison Wilson (JB ordinance 633). Please note that our objection does not reflect any suspicion regarding Juno Beach's motives in pursuing this action. We accept the town's reasons as stated. Furthermore, we are fully aware that this action alone cannot lead to a "forced" annexation of Juno Isles.

Our *basis* for objecting is that this action appears to be prohibited by Florida Statute 171 to the extent it will create an enclave. In an effort to overcome this objection, Len Rubin, Juno Beach counsel, in his email of January 7 (cc'd to your office), argues we are already an enclave. He claims nearly all of Ellison Wilson's northbound lane is already within Juno Beach's corporate boundaries. In approving this action on behalf of the county, Robert Banks, county counsel, in a letter dated January 8th, argues we are already a "pocket" because we must travel through Juno Beach and/or Palm Beach Gardens to access our community.

We are not convinced that either argument is correct. It is not at all clear to us that the 2004 annexation (JB 573) included Ellison Wilson road (and, if it did, why would it have been allowed since it would have created an enclave?). Regarding the county's argument, in defining an enclave F.S.171 consistently refers to a single municipality, not multiple municipalities. Our counsel, Edward Dicker, spoke to Messrs. Rubin and Banks in an effort to seek further clarification. Unfortunately, those conversations did not sufficiently overcome our doubts.

Our *reason* for objecting is our obligation to insure that if Juno Isles is ever annexed to any municipality, it is accomplished only through the fully informed consent of a majority of our residents. Florida Statute 171 currently provides two tests for annexation by interlocal agreement: the area to be annexed must be an enclave and it must be less than ten acres. As a result, assuming our understanding of our current status is correct, we currently enjoy two layers of protection. We do not wish to see one of those layers violated, particularly by an action that appears to be prohibited by Florida Statute.

Sincerely,



Louis Vilaro, President

cc: Joseph Lo Bello, Juno Beach Town Manager