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BOYNTON BEACH

Boynton wants to annex 38 communities west of Military Trail; critics call it 'power grab'

Boynton city planners point to decades-old agreements signed when developments were first built. In exchange for receiving water from the city, the communities agreed to annexation without a vote.



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BOYNTON BEACH — Boynton Beach is again looking to annex high-end communities in the unincorporated lands to its west, a move that could add nearly \$3 billion to its \$9 billion tax base and increase its population by 35,000.

If the city annexes all 38 communities under consideration — 26 in the first phase and 12 in the second — it would generate more than \$23 million a year in property tax revenue for the city.

“This is a blatant power grab by the city to use our communities to fund deficiencies in their budget,” said Steve Wallace, president of the Coalition of Boynton West Residential Associations, or COBWRA. “We will do whatever we can to defend the quality of life of our member communities.”

And unlike in Palm Beach Gardens and North Palm Beach, where residents recently voted overwhelmingly to defeat annexation measures, Boynton Beach may be able to annex without having to go through a referendum.

City planners note that many of the communities they are looking to annex signed agreements when they were first built decades ago that allowed for annexation in exchange for obtaining water from Boynton Beach. An election would not be required, according to Planning Director Amanda Radigan.

Many of the 38 communities are COBWRA members. "We have already advised our members to seek legal advice from their lawyers as to what their options there might be to fight this," Wallace said.

Planners are studying whether the city should move forward. The study will examine the increased revenues Boynton Beach would receive as well as the increased costs of providing services.

The city could absorb more than 50 communities to its west, extending its boundary from Congress Avenue to west of Military Trail. It would add 4,500 acres to the city, more than triple what was being considered in Palm Beach Gardens.

The Boynton Beach annexation, if it were to happen, would be by far the largest involuntary annexation to have ever occurred in Palm Beach County. During the 33 years from 1989 to 2022, the total acreage acquired by all municipalities in the county totaled just under 5,800 acres, according to county records.

With a new population of 116,000, Boynton Beach would become the county's second-largest city and put it within striking distance of the county's most populated city — West Palm Beach, which has just over 124,000 according to World Population Review.

What are the 38 communities west of Boynton Beach that could be annexed?

Annexation enables a city to expand its boundaries to include nearby land, but the land must be contiguous to the city's existing boundary. And the land cannot be part of a municipality. It must be in an unincorporated area that falls under the jurisdiction of county government.

Boynton Beach's plan is to expand in phases so that it could ultimately keep extending until it goes west of Military.

Beth Rappaport, president of the Colony Preserve development, said her community strongly opposes the plan. She estimated average property taxes in her community would increase by 24%. That's largely because the millage rate in Boynton Beach is much higher than the county rate.

According to Rappaport, the first-phase communities include:

Artesa, Bent Tree Gardens, Bent Tree Villas East, Bent Tree Villas West, Brighton Lakes, Cocoa Pine Estates, Cypress Creek, Fairmont Place, Grande Palms, Greentree Villas, Jamaica Bay, La Paloma, Lexington Lakes, Limetree, Montreux, Oak Run, Oakwood Lakes, Palladium, Palm Shores, Pine Tree Country Club Estates, Pine Tree Village, Prestwick Estates, Santa Cruz, The Colony at Boynton Beach, Tropical Breeze Estates and Villas of Pine Tree.

The second phase communities, many of them west of Military Trail, include:

Banyan Springs, Cascade Lakes, Colonial Estates, Colony Preserve, Tuscany at Coral Lakes (east of E-3 Canal), Hampton Lakes, Indian Spring (east of the E-3 Canal), Le Chalet, Mirror Lakes, Palm Chase, Platina and Rainbow Lakes (also east of the E-3 Canal).

Colony Reserve and the other 37 communities are all in unincorporated areas, governed by Palm Beach County and where the county millage rate is applied. Residents receive public-safety services through the county sheriff and fire-rescue agencies. Rappaport said most communities are pleased with the county's level of service and are concerned there would be a fall-off if they came under control of the city.

Annexation without a vote? Boynton city planners say it could happen

In most annexations, those areas that are looking to be annexed must agree to the plan through a special election, as was done last month in Palm Beach Gardens and North Palm Beach. Annexation can also occur through a law passed by the state Legislature, or the annexation could be voluntary.

The prospect of annexation without a vote has outraged many communities. In a January City Commission meeting, city planners pointed to the pertinent clause:

“The customer further agrees that in consideration of the privilege of receiving water from the city, the execution of this agreement is considered to be a voluntary petition for annexation.”

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Representatives from the different communities recently attended a town hall meeting at Tuscany Bay, called by COBWRA. Mayor Ty Penserga and Assistant City Manager Adam Temple attended. Paul Berliner, president of Tuscany Bay, refused to allow a reporter to view the meeting.

But according to a COBWRA recap, Penserga pledged not to support a plan that did not benefit or have the support of the impacted communities. "If we are not making people's lives easier or better, than what are we doing?" he asked.

Penserga reiterated his position that annexation has to benefit residents within the city as well as those that are outside the city's boundaries. He said, though, that he will withhold judgment until city planners complete their study, which is expected to be done by June.

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The mayor has one vote on the five-person City Commission, which will ultimately decide whether to pursue annexation and whether to pursue it without a referendum.

Florida International University professor Dario Moreno has taught political science for more than 35 years and worked directly with local governments on annexation issues in Miami-Dade County. He questioned the legality of Boynton Beach annexing land without a referendum.

"If I were the residents, I would hire a good lawyer and challenge the notion that you can absorb these communities without letting them vote," Moreno said. "That has never before happened. And even if they could get away with it, what a political headache it would be. You would have 35,000 new residents angry with you."

Communities question what the benefit would be to becoming part of Boynton Beach

Cyndi Junghans, a board director at Cocoa Pine Estates, said her community strongly opposes annexation.

Homes in her 60-home development are selling for more than \$1 million. She estimates that homeowner insurance would more than double from \$7,000 a year to \$15,000 due to the density and crime rate in Boynton Beach. She noted that the county's fire station is less than two miles away; the closest one in Boynton Beach is six miles away.

“They (Boynton Beach) say they will build one for us, but there is no land available,” she said. “Most troubling is that we may be at their mercy because of the water agreements.”

It is not the first time that Boynton Beach has considered expanding its boundaries. In 2000, the city hired a lobbyist to convince area legislators to pass a bill to authorize annexation. The effort failed. According to COBWRA, another effort in 2015 also failed because the city had trouble finding the water agreements. City planners say they found many of those signed agreements, making a referendum unnecessary.

Repeated efforts to obtain comment from Radigan and Boynton Beach City Manager Dan Dugger were unsuccessful.

If the annexation does happen, it could take years before all the communities are absorbed into Boynton Beach. It would drastically change the demographics of the city's current diverse makeup. More than a third of its residents are Black and 18% are Hispanic. The majority of residents in the communities that would be annexed are white.

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