

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to Broward County; providing for extending
8 the corporate limits of the City of Lauderdale Lakes or
9 the City of Lauderhill; providing for annexation of the
10 unincorporated area known as Boulevard Gardens; providing
11 for an election; providing for an effective date of
12 annexation; providing for an interlocal agreement;
13 providing for a continuation of certain Broward County
14 regulations; providing for the transfer of public roads
15 and rights-of-way; providing an effective date.

16
17 WHEREAS, the Legislature understands that the Boulevard
18 Gardens area is not contiguous to either the City of Lauderdale
19 Lakes or the City of Lauderhill but that the Boulevard Gardens
20 area is part of the metropolitan Broward County area and that
21 Broward County desires to have all areas of unincorporated
22 Broward County annexed into one of the 30 municipalities within
23 Broward County for municipal services and that both the City of

HB 1391

2004
CS

24 | Lauderdale Lakes and the City of Lauderhill are readily
 25 | accessible to the area for municipal services, NOW, THEREFORE,
 26 |

27 | Be It Enacted by the Legislature of the State of Florida:
 28 |

29 | Section 1. No later than July 1, 2004, the governing
 30 | bodies of the municipalities of the City of Lauderdale Lakes and
 31 | the City of Lauderhill, after having considered the effects of
 32 | annexation on the residents of both the Boulevard Gardens area,
 33 | as hereinafter described, and on the respective municipality,
 34 | shall inform the Broward County Legislative Delegation and the
 35 | Broward County Board of County Commissioners of their desire to
 36 | appear on the ballot as provided for in this act.

37 | Section 2. If at least one of the municipalities informs
 38 | the Broward County Legislative Delegation and the Broward County
 39 | Board of County Commissioners that it desires to appear on the
 40 | ballot as provided for in section 1, the Broward County Board of
 41 | County Commissioners shall schedule an election on November 2,
 42 | 2004, in accordance with the provisions of law relating to
 43 | elections currently in force in Broward County. The subject of
 44 | such election shall be the annexation of the Boulevard Gardens
 45 | area. Only registered voters residing in the Boulevard Gardens
 46 | area as described in this act may vote in such election. On the
 47 | ballot provided for in this section shall appear the name of
 48 | each municipality which shall have informed the Broward County
 49 | Legislative Delegation and the Broward County Board of County
 50 | Commissioners that it desires to appear on the ballot as
 51 | provided for in section 1. The voters residing in the Boulevard

HB 1391

2004
CS

52 Gardens area shall, by majority vote of the voters participating
 53 in the election, choose to be annexed by one municipality
 54 effective September 15, 2005. In the event only one municipality
 55 shall have informed the Broward County Legislative Delegation
 56 and the Broward County Board of County Commissioners that it
 57 desires to appear on the ballot as provided for in section 1,
 58 the voters residing in the Boulevard Gardens area shall, by
 59 majority vote of the voters participating in the election,
 60 choose whether to join that municipality on September 15, 2005,
 61 or September 15, 2006. A mail ballot shall not be used in this
 62 election. However, voters may vote by absentee ballot as
 63 provided by law.

64 Section 3. The legal description of the Boulevard Gardens
 65 area is as follows:

66
 67 That portion of Section 5, Township 50 South, Range 42
 68 East, Broward County, Florida, described as follows:

69
 70 Begin at the Northwest corner of the Southwest One-
 71 Quarter (SW 1/4) of said Section 5; thence Easterly
 72 along the North line of said Southwest One-Quarter (SW
 73 1/4) to the Northwest corner of the Southeast One-
 74 Quarter (SE 1/4) of said Section 5;

75
 76 thence Easterly along the North line of said Southeast
 77 One-Quarter (SE 1/4) to a point of intersection with
 78 the West line of the East One-Half (E 2) of the East
 79 One-Half (E 2) of said Section 5, also being a point

80 on the municipal boundary of the City of Fort
 81 Lauderdale, as established by Chapter 69-1057, Laws of
 82 Florida;

83
 84 thence Southerly along said West line and said
 85 municipal boundary to the point of intersection with
 86 the North line of THE R.E.B. PLAT, as recorded in
 87 Plat Book 74, Page 43, of the Public Records of
 88 Broward County, Florida, said point being on the
 89 municipal boundary of the City of Fort Lauderdale, as
 90 established by Ordinance C-75-41 of the City of Fort
 91 Lauderdale;

92
 93 thence continuing along said municipal boundary the
 94 following 3 courses;

95
 96 thence Westerly along said North line for a distance
 97 of 608.50 feet to the P.R.M. (Permanent Reference
 98 Monument) at the Northwest corner of said THE R.E.B.
 99 PLAT;

100
 101 thence Southeasterly along the arc of a curve to the
 102 right, having a radius of 308.16 feet, a central angle
 103 of 90°20'30", for an arc distance of 485.89 feet to the
 104 P.R.M. at the point of tangency;

105
 106 thence Southerly along the West line of said THE
 107 R.E.B. PLAT for a distance of 40.00 feet to the

108 | P.R.M. at the Southwest corner of said plat, said
 109 | point being on the municipal boundary of the City of
 110 | Fort Lauderdale, as established by Ordinance C-00-72
 111 | of the City of Fort Lauderdale;
 112 |
 113 | thence continuing along said municipal boundary the
 114 | following 3 courses;
 115 |
 116 | thence Southerly along the Easterly right-of-way line
 117 | of NW 25 Avenue, a 50 foot wide Road right of
 118 | way, to the North line of the South 250 feet of the
 119 | Southeast One-Quarter (SE 1/4) of said Section 5;
 120 |
 121 | thence Easterly along said North line to the East line
 122 | of the West 100 feet of the East 820.76 feet of the
 123 | West 1,860.75 feet of said Southeast One-Quarter (SE
 124 | 1/4);
 125 |
 126 | thence Southerly along said East line to the North
 127 | right-of-way line of Broward Boulevard;
 128 |
 129 | thence Westerly along said North right-of-way line and
 130 | along the municipal boundary of the City of Fort
 131 | Lauderdale, as established by Chapter 69-1057, Laws of
 132 | Florida, to the West line of the Southwest One-Quarter
 133 | (SW 1/4) of said Section 5;
 134 |

135 thence Northerly along said West line to the POINT OF
 136 BEGINNING.

137
 138 Section 4. An interlocal agreement shall be developed
 139 between the governing bodies of Broward County and the annexing
 140 municipality and executed prior to the effective date of the
 141 annexation as provided for in section 2. The agreement shall
 142 address infrastructure improvement projects and include a
 143 financially feasible plan for transitioning county services,
 144 buildings, infrastructure, waterways, and employees.

145 Section 5. Upon annexation into the municipality, the
 146 following shall govern the areas described in section 3:

147 (1) The present land use designations and zoning districts
 148 provided for under the Broward County Comprehensive Plan and
 149 Code of Ordinances of Broward County shall remain the law
 150 governing the Boulevard Gardens area, notwithstanding the fact
 151 that the Boulevard Gardens area is now a part of a municipality.

152 (2) Any change of zoning districts or land use
 153 designations may only be accomplished by enactment of the vote
 154 of the majority of the full governing body of the municipality
 155 plus one.

156 (3) Notwithstanding subsections (1) and (2), any use,
 157 building, or structure that is legally in existence at the time
 158 that the Boulevard Gardens area becomes a part of the
 159 municipality shall not be made a prohibited use by the
 160 municipality, on the property of said use, for as long as the
 161 use shall continue, and not be voluntarily abandoned.

162 Section 6. Subsequent to the effective date of this act,
 163 no change in land use designation or zoning shall be effective
 164 within the limits of the lands subject to annexation herein
 165 until the Boulevard Gardens area has been annexed into the
 166 municipality; no annexation within the Boulevard Gardens area by
 167 any municipality shall occur during the time period between the
 168 effective date of this act and the effective date of the
 169 annexation.

170 Section 7. Subsequent to the effective date of the
 171 annexation, any resident in the area to be annexed by this act
 172 into the City of Lauderdale Lakes or the City of Lauderhill
 173 shall be deemed to have met any residency requirements for
 174 candidacy for any municipal office.

175 Section 8. Nothing in this chapter shall be construed to
 176 affect or abrogate the rights of parties to any contracts,
 177 whether the same be between Broward County and a third party or
 178 between nongovernmental entities, which contracts are in effect
 179 prior to the effective date of the annexation.

180 Section 9. All public roads, including bridge 860179, and
 181 the public rights-of-way associated therewith, on the Broward
 182 County Road System, lying within the limits of the lands subject
 183 to annexation herein, as described in section 3, are transferred
 184 from Broward County jurisdiction to the jurisdiction of the
 185 annexing municipality, except for those portions of NW 31 Avenue
 186 and NW 27 Avenue. All rights, title, interests, and
 187 responsibilities for any transferred roads, including, but not
 188 limited to, the ownership, operation, maintenance, planning,
 189 design, and construction of said roads and to the rights-of-way

HB 1391

2004
CS

190 | associated therewith shall transfer from Broward County
191 | jurisdiction and ownership to the jurisdiction and ownership of
192 | the annexing municipality upon the effective date of the
193 | annexation.

194 | Section 10. This act shall take effect upon becoming a
195 | law.