

1 A bill to be entitled

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

11  
12 WHEREAS, the Legislature understands that the Boulevard  
13 Gardens area is not contiguous to either the City of Lauderdale  
14 Lakes or the City of Lauderhill but that the Boulevard Gardens  
15 area is part of the metropolitan Broward County area and that  
16 Broward County desires to have all areas of unincorporated  
17 Broward County annexed into one of the 30 municipalities within  
18 Broward County for municipal services and that both the City of  
19 Lauderdale Lakes and the City of Lauderhill are readily  
20 accessible to the area for municipal services, NOW, THEREFORE,

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. No later than July 1, 2004, the governing  
25 bodies of the municipalities of the City of Lauderdale Lakes and  
26 the City of Lauderhill, after having considered the effects of  
27 annexation on the residents of both the Boulevard Gardens area,  
28 as hereinafter described, and on the respective municipality,

29 shall inform the Broward County Legislative Delegation and the  
30 Broward County Board of County Commissioners of their desire to  
31 appear on the ballot as provided for in this act.

32 Section 2. If at least one of the municipalities informs  
33 the Broward County Legislative Delegation and the Broward County  
34 Board of County Commissioners that it desires to appear on the  
35 ballot as provided for in section 1, the Broward County Board of  
36 County Commissioners shall schedule an election on November 2,  
37 2004, in accordance with the provisions of law relating to  
38 elections currently in force in Broward County. The subject of  
39 such election shall be the annexation of the Boulevard Gardens  
40 area. Only registered voters residing in the Boulevard Gardens  
41 area as described in this act may vote in such election. On the  
42 ballot provided for in this section shall appear the name of  
43 each municipality which shall have informed the Broward County  
44 Legislative Delegation and the Broward County Board of County  
45 Commissioners that it desires to appear on the ballot as  
46 provided for in section 1. The voters residing in the Boulevard  
47 Gardens area shall, by majority vote of the voters participating  
48 in the election, choose to be annexed by one municipality  
49 effective September 15, 2005. In the event only one municipality  
50 shall have informed the Broward County Legislative Delegation  
51 and the Broward County Board of County Commissioners that it  
52 desires to appear on the ballot as provided for in section 1,  
53 the voters residing in the Boulevard Gardens area shall, by  
54 majority vote of the voters participating in the election,  
55 choose whether to join that municipality on September 15, 2005,  
56 or September 15, 2006. A mail ballot shall not be used in this

57 | election. However, voters may vote by absentee ballot as  
 58 | provided by law.

59 | Section 3. The legal description of the Boulevard Gardens  
 60 | area is as follows:

61 |  
 62 | That portion of Section 5, Township 50 South, Range 42  
 63 | East, Broward County, Florida, described as follows:

64 |  
 65 | Begin at the Northwest corner of the Southwest One-  
 66 | Quarter (SW 1/4) of said Section 5; thence Easterly  
 67 | along the North line of said Southwest One-Quarter (SW  
 68 | 1/4) to the Northwest corner of the Southeast One-  
 69 | Quarter (SE 1/4) of said Section 5;

70 |  
 71 | thence Easterly along the North line of said Southeast  
 72 | One-Quarter (SE 1/4) to a point of intersection with  
 73 | the West line of the East One-Half (E 2) of the East  
 74 | One-Half (E 2) of said Section 5, also being a point  
 75 | on the municipal boundary of the City of Fort  
 76 | Lauderdale, as established by Chapter 69-1057, Laws of  
 77 | Florida;

78 |  
 79 | thence Southerly along said West line and said  
 80 | municipal boundary to the point of intersection with  
 81 | the North line of THE R.E.B. PLAT, as recorded in  
 82 | Plat Book 74, Page 43, of the Public Records of  
 83 | Broward County, Florida, said point being on the  
 84 | municipal boundary of the City of Fort Lauderdale, as

85 | established by Ordinance C-75-41 of the City of Fort  
 86 | Lauderdale;  
 87 |  
 88 | thence continuing along said municipal boundary the  
 89 | following 3 courses;  
 90 |  
 91 | thence Westerly along said North line for a distance  
 92 | of 608.50 feet to the P.R.M. (Permanent Reference  
 93 | Monument) at the Northwest corner of said THE R.E.B.  
 94 | PLAT;  
 95 |  
 96 | thence Southeasterly along the arc of a curve to the  
 97 | right, having a radius of 308.16 feet, a central angle  
 98 | of 90°20'30", for an arc distance of 485.89 feet to the  
 99 | P.R.M. at the point of tangency;  
 100 |  
 101 | thence Southerly along the West line of said THE  
 102 | R.E.B. PLAT for a distance of 40.00 feet to the  
 103 | P.R.M. at the Southwest corner of said plat, said  
 104 | point being on the municipal boundary of the City of  
 105 | Fort Lauderdale, as established by Ordinance C-00-72  
 106 | of the City of Fort Lauderdale;  
 107 |  
 108 | thence continuing along said municipal boundary the  
 109 | following 3 courses;  
 110 |  
 111 | thence Southerly along the Easterly right-of-way line  
 112 | of NW 25 Avenue, a 50 foot wide Road right of

113 way, to the North line of the South 250 feet of the  
 114 Southeast One-Quarter (SE 1/4) of said Section 5;  
 115  
 116 thence Easterly along said North line to the East line  
 117 of the West 100 feet of the East 820.76 feet of the  
 118 West 1,860.75 feet of said Southeast One-Quarter (SE  
 119 1/4);  
 120  
 121 thence Southerly along said East line to the North  
 122 right-of-way line of Broward Boulevard;  
 123  
 124 thence Westerly along said North right-of-way line and  
 125 along the municipal boundary of the City of Fort  
 126 Lauderdale, as established by Chapter 69-1057, Laws of  
 127 Florida, to the West line of the Southwest One-Quarter  
 128 (SW 1/4) of said Section 5;  
 129  
 130 thence Northerly along said West line to the POINT OF  
 131 BEGINNING.  
 132

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

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

142           (1) The present land use designations and zoning districts  
 143 provided for under the Broward County Comprehensive Plan and  
 144 Code of Ordinances of Broward County shall remain the law  
 145 governing the Boulevard Gardens area, notwithstanding the fact  
 146 that the Boulevard Gardens area is now a part of a municipality.

147           (2) Any change of zoning districts or land use  
 148 designations may only be accomplished by enactment of the vote  
 149 of the majority of the full governing body of the municipality  
 150 plus one.

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

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

165           Section 7. Subsequent to the effective date of the  
 166 annexation, any resident in the area to be annexed by this act  
 167 into the City of Lauderdale Lakes or the City of Lauderhill

168 shall be deemed to have met any residency requirements for  
169 candidacy for any municipal office.

170 Section 8. Nothing in this chapter shall be construed to  
171 affect or abrogate the rights of parties to any contracts,  
172 whether the same be between Broward County and a third party or  
173 between nongovernmental entities, which contracts are in effect  
174 prior to the effective date of the annexation.

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

189 Section 10. This act shall take effect upon becoming a  
190 law.