

ENROLLED
HB 1391, Engrossed 1

2004 Legislature

A bill to be entitled

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

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

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

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

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2004 Legislature

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

Section 2. If at least one of the municipalities informs the Broward County Legislative Delegation and the Broward County Board of County Commissioners that it desires to appear on the ballot as provided for in section 1, the Broward County Board of County Commissioners shall schedule an election on November 2, 2004, in accordance with the provisions of law relating to elections currently in force in Broward County. The subject of such election shall be the annexation of the Boulevard Gardens area. Only registered voters residing in the Boulevard Gardens area as described in this act may vote in such election. On the ballot provided for in this section shall appear the name of each municipality which shall have informed the Broward County Legislative Delegation and the Broward County Board of County Commissioners that it desires to appear on the ballot as provided for in section 1. The voters residing in the Boulevard Gardens area shall, by majority vote of the voters participating in the election, choose to be annexed by one municipality effective September 15, 2005. In the event only one municipality shall have informed the Broward County Legislative Delegation and the Broward County Board of County Commissioners that it desires to appear on the ballot as provided for in section 1, the voters residing in the Boulevard Gardens area shall, by majority vote of the voters participating in the election, choose whether to join that municipality on September 15, 2005, or September 15, 2006. A mail ballot shall not be used in this

ENROLLED
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2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1391, Engrossed 1

2004 Legislature

established by Ordinance C-75-41 of the City of Fort
Lauderdale;

thence continuing along said municipal boundary the
following 3 courses;

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

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

thence Southerly along the West line of said THE
R.E.B. PLAT for a distance of 40.00 feet to the
P.R.M. at the Southwest corner of said plat, said
point being on the municipal boundary of the City of
Fort Lauderdale, as established by Ordinance C-00-72
of the City of Fort Lauderdale;

thence continuing along said municipal boundary the
following 3 courses;

thence Southerly along the Easterly right-of-way line
of NW 25 Avenue, a 50 foot wide Road right of

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2004 Legislature

way, to the North line of the South 250 feet of the Southeast One-Quarter (SE 1/4) of said Section 5;

thence Easterly along said North line to the East line of the West 100 feet of the East 820.76 feet of the West 1,860.75 feet of said Southeast One-Quarter (SE 1/4);

thence Southerly along said East line to the North right-of-way line of Broward Boulevard;

thence Westerly along said North right-of-way line and along the municipal boundary of the City of Fort Lauderdale, as established by Chapter 69-1057, Laws of Florida, to the West line of the Southwest One-Quarter (SW 1/4) of said Section 5;

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

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

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

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

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

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

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

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

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

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

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

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