

A bill to be entitled

An act relating to Broward County; providing for extending the corporate limits of the Town of Davie, the City of Fort Lauderdale, or the City of Plantation; providing for annexation of the unincorporated area known as Broadview Park; 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 transfer of public roads and rights-of-way; providing an effective date.

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

Section 1. No later than July 1, 2004, the governing body of the municipalities of the Town of Davie, the City of Fort Lauderdale, and the City of Plantation, after having considered the effects of annexation on the residents of both the "Broadview Park Area," as hereinafter described, and on the respective municipality, 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. The Broward County Board of County Commissioners shall schedule an election in accordance with the provisions of the law relating to elections currently in force in Broward County on November 2, 2004. The subject of said election shall be the annexation of the Broadview Park Area. Only registered voters residing in the Broadview Park Area as described in section 4 may vote in said election. On the ballot

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30 provided for in this section shall appear the name of each
 31 municipality which shall have informed the Broward County
 32 Legislative Delegation that it desires to appear on the ballot
 33 as provided for in section 1. The voters residing in the
 34 Broadview Park Area shall, by plurality vote of the voters
 35 participating in the election, choose one municipality for
 36 annexation. In the event only one municipality shall have
 37 informed the Broward County Legislative Delegation that it
 38 desires to appear on the ballot as provided for in section 1,
 39 the voters residing in the Broadview Park Area shall, by
 40 majority vote of the voters participating in the election,
 41 choose whether to join that city on September 15, 2005, or
 42 September 15, 2006. A mail ballot shall not be used in this
 43 election. However, voters may vote by absentee ballot as
 44 provided by law.

45 Section 3. Upon a plurality of the registered voters
 46 residing in the Broadview Park Area voting for annexation into
 47 the City of Fort Lauderdale, the Broadview Park Area described
 48 in section 4 shall be deemed a part of said municipality on
 49 September 15, 2005, pursuant to s. 171.062, Florida Statutes,
 50 except as provided for in this act. However, should the City of
 51 Fort Lauderdale be the only municipality to have informed the
 52 Broward County Legislative Delegation that it desires to appear
 53 on the ballot as provided for in section 1, the area described
 54 in section 4 shall be deemed a part of said municipality on
 55 September 15, 2005, or September 15, 2006, pursuant to s.
 56 171.062, Florida Statutes, except as provided for in this act.

57 Section 4. The "Broadview Park Area" is described as:
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59 That portion of Sections 13, 14, 23 and 24, Township
 60 50 South, Range 41 East and Section 18, Township 50
 61 South, Range 42 East, Broward County, Florida,
 62 described as follows:

63
 64 Beginning at a point on the boundary of the City of
 65 Plantation established by Chapter 68-101 Laws of
 66 Florida, being the Southeast corner of Tract 1, Tier
 67 24, according to Newman's Survey of Section 14,
 68 Township 50 South, Range 41 East, as recorded in Plat
 69 Book 2, Page 26, Public Records of Dade County,
 70 Florida;

71
 72 thence continuing along the said boundary of the City
 73 of Plantation the following 6 courses;

74
 75 thence Northeasterly along the East line of said Tier
 76 24, to the North line of said Section 13;

77
 78 thence East along the said North line of Section 13 to
 79 a point of intersection with the Northerly extension
 80 of the Westerly line of Block 3, as shown by the plat
 81 of LAUDERDALE HIGHLANDS as recorded in Plat Book 12,
 82 at Page 37, Public Records of Broward County, Florida;

83
 84 thence Southwesterly along the Westerly line of said
 85 Block 3 and its Northerly extension thereof, to the
 86 Southwesterly corner of Lot 11 of said Block 3;
 87

88 thence Easterly along the Southerly line of said Lot
 89 11 and its Easterly extension thereof, to a point of
 90 intersection with the Easterly right-of-way line of
 91 Highland Avenue, as shown by said plat of LAUDERDALE
 92 HIGHLANDS;

94 thence Southwesterly along the Easterly right-of-way
 95 line of said Highland Avenue to a point of
 96 intersection with the South line of Block 1, as shown
 97 by said plat of LAUDERDALE HIGHLANDS;

98
 99 thence Easterly along the South line of said Block 1
 100 and its Easterly extension thereof to a point of
 101 intersection with the East right-of-way line of State
 102 Road No. 7, as described in City of Fort Lauderdale
 103 annexing Resolution No. 8519;

104
 105 thence Southerly along the said east right-of-way line
 106 to the North right-of-way line of Riverland Road and
 107 the boundary of the Town of Davie as described in
 108 Chapter 84-420, Laws of Florida;

109
 110 thence continuing along said boundary of the Town of
 111 Davie the following 10 courses;

112
 113 thence Westerly along the Westerly prolongation of the
 114 said North right-of-way line to the West right-of-way
 115 line of State Road No. 7;

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117 thence Southerly along said West right-of-way line to
 118 a point of intersection with a line 300 feet North of
 119 the Southerly line of Tract 2, Tier 4, of said
 120 Newman's Survey, as measured along the said Westerly
 121 right-of-way line;
 122
 123 thence Northwesterly to a point on the Easterly right-
 124 of-way line of Southwest 41st Avenue, being 298.34
 125 feet Northerly from the Southwest corner of said Tract
 126 2, Tier 4;
 127
 128 thence Westerly to a point of intersection of the West
 129 right-of-way line of Southwest 41st Avenue with the
 130 North line of said Section 24;
 131
 132 thence Southwesterly along the said West right-of-way
 133 line to the centerline of North New River Canal;
 134
 135 thence Southeasterly along said centerline to the
 136 Westerly right-of-way line of State Road No. 7;
 137
 138 thence Southwesterly along said West right-of-line to
 139 the South bank of the North New River Canal;
 140
 141 thence Northwesterly along said South bank to the
 142 Northerly extension of the West line of the East One-
 143 Half of Tract 1, Tier 7 of said Newman's Survey;
 144
 145 thence Southwesterly along said Northerly extension to

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146 the Northwest corner of the said East One-Half of
 147 Tract 1, Tier 7, also being on the South right-of-way
 148 line of North New River Canal;

149
 150 thence Northwesterly along the said Southerly right-
 151 of-way line to the Easterly line of Tier 21 of said
 152 Newman's Survey;

153
 154 thence Northwesterly, continuing on the boundary of
 155 the Town of Davie, along the said Southerly right-of-
 156 way line to the intersection with the Southwesterly
 157 extension of the East line of the aforesaid Tract 1,
 158 Tier 24;

159
 160 thence Northeasterly along said Southwesterly
 161 extension to the POINT OF BEGINNING.

162
 163 Section 5. Upon a plurality of the registered voters
 164 residing in the Broadview Park Area voting for annexation into
 165 the Town of Davie or the City of Plantation, the Broadview Park
 166 Area described in section 4 along with the additional area
 167 described in section 6 shall be deemed a part of said
 168 municipality on September 15, 2005, pursuant to s. 171.062,
 169 Florida Statutes, except as provided for in this act. However,
 170 should the Town of Davie or the City of Plantation be the only
 171 municipality to have informed the Broward County Legislative
 172 Delegation that it desires to appear on the ballot as provided
 173 for in section 1, the area described in section 4 along with the
 174 additional area described in section 6 shall be deemed a part of

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175 said municipality on September 15, 2005, or September 15, 2006,
 176 pursuant to s. 171.062, Florida Statutes, except as provided for
 177 in this act.

178 Section 6. The additional area shall be described as:

179
 180 That portion of Sections 7, 8, 14, 15, 16 and 17,
 181 Township 50 South, Range 41 East and Sections 2, 11
 182 and 12, Township 50 South, Range 40 East, Broward
 183 County, Florida, described as follows:

184
 185 Beginning at a point on the boundary of the City of
 186 Plantation established by Chapter 68-101, Laws of
 187 Florida, being the Southeast corner of Tract 1, Tier
 188 24, according to Newman's Survey of Section 14,
 189 Township 50 South, Range 41 East, as recorded in Plat
 190 Book 2, Page 26, Public Records of Dade County,
 191 Florida;

192
 193 thence Northwesterly along the North right of way line
 194 of the North New River Canal and along the boundary of
 195 the City of Plantation established by said Chapter 68-
 196 101 and by Ordinance 1008, Ordinance 568, and
 197 Ordinance 543, all as adopted by the City of
 198 Plantation, to the intersection with the West line of
 199 said Section 2;

200
 201 thence Southerly along the said West line to the South
 202 right of way line of the North New River Canal, being
 203 a point on the boundary of the Town of Davie

204 established by Chapter 84-420, Laws of Florida;
 205
 206 thence Southeasterly along the said South right of way
 207 line and along the boundary of the Town of Davie
 208 established by said Chapter 84-420 and by Ordinance
 209 85-97, adopted by the Town of Davie, to the
 210 intersection with the Southwesterly extension of the
 211 East line of Tier 24 of said Newman's Survey;
 212
 213 thence Northeasterly along the said Southwesterly
 214 extension to the POINT OF BEGINNING.

216 Section 7. An interlocal agreement shall be developed
 217 between the governing bodies of Broward County and the annexing
 218 municipality and executed prior to the effective date of the
 219 annexation. The agreement shall address infrastructure
 220 improvement programs and include a financially feasible plan for
 221 transitioning county services, buildings, infrastructure,
 222 waterways, and employees.

223 Section 8. The Board of County Commissioners of Broward
 224 County is hereby authorized to set the election provided for in
 225 section 2 by general election for the time period provided in
 226 this act at the cost of Broward County. A mail ballot shall not
 227 be used for any election provided for in this act. However,
 228 voters may vote by absentee ballot as provided by law.

229 Section 9. Upon annexation into the municipality, the
 230 following shall govern the areas described in either section 4
 231 or section 6:

232 (1) The present land use designations and zoning districts

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233 provided for under the Broward County Comprehensive Plan and
 234 Code of Ordinances of Broward County shall remain the law
 235 governing the Broadview Park Area, notwithstanding the fact that
 236 the Broadview Park Area is now a part of a municipality. The
 237 land use designations and zoning of Broward County shall be
 238 deemed the conforming laws of the municipality of which the
 239 Broadview Park Area is now a part.

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

244 (3) Notwithstanding subsections (1) and (2), any use,
 245 building, or structure that is legally in existence at the time
 246 that the Broadview Park Area becomes a part of the municipality
 247 shall not be made a prohibited use by the municipality, on the
 248 property of said use, for as long as the use shall continue, and
 249 not be voluntarily abandoned.

250 Section 10. Subsequent to the effective date of this act,
 251 no change in land use designation or zoning shall be effective
 252 within the limits of the lands subject to annexation herein
 253 until the Broadview Park Area has been annexed into the
 254 municipality; no annexation within the Broadview Park Area by
 255 any municipality shall occur during the time period between the
 256 effective date of this act and the effective date of the
 257 annexation.

258 Section 11. Subsequent to the effective date of the
 259 annexation, any resident in the area to be annexed by this act
 260 into the Town of Davie, the City of Fort Lauderdale, or the City
 261 of Plantation shall be deemed to have met any residency

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262 requirements for candidacy.

263 Section 12. Nothing in this chapter shall be construed to
 264 affect or abrogate the rights of parties to any contracts,
 265 whether the same be between Broward County and a third party or
 266 between nongovernmental entities, which contracts are in effect
 267 prior to the effective date of the annexation.

268 Section 13. All public roads and the public rights-of-way
 269 associated therewith, on the Broward County Road System,
 270 including bridge structures 868303, 864024, 864022, 864096, and
 271 864097, lying within the limits of the lands subject to
 272 annexation herein, as described in either section 4 or section
 273 6, are transferred from Broward County jurisdiction to the
 274 jurisdiction of the annexing municipality, except for those
 275 portions of Hiatus Road, Nob Hill Road, Pine Island Road, and
 276 Davie Boulevard and that portion of Peters Road west of the
 277 Peters Road/Davie Boulevard intersection lying within the limits
 278 of the annexation area. All rights, title, interests, and
 279 responsibilities for any transferred roads, including, but not
 280 limited to, the ownership, operation, maintenance, planning,
 281 design, and construction of said roads, and to the rights-of-way
 282 associated therewith, shall transfer from Broward County
 283 jurisdiction and ownership to the jurisdiction and ownership of
 284 the annexing municipality upon the effective date of the
 285 annexation.

286 Section 14. This act shall take effect upon becoming a
 287 law.