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2004

A bill to be entitled

An act relating to Broward County; providing for extending the corporate limits of the City of Lauderdale Lakes, the City of Lauderhill, and the City of Plantation; providing for annexation of the unincorporated area known as Broward Estates; 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 for effective date.

WHEREAS, the Legislature understands that the Broward Estates Area is not contiguous to either the City of Lauderdale Lakes or the City of Lauderhill, and

WHEREAS, the Broward Estates area is part of the metropolitan Broward County area and Broward County desires to have all areas of unincorporated Broward County annexed into one of the thirty municipalities within Broward County for municipal services, and

WHEREAS, 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, each of the governing bodies for the City of Lauderdale Lakes, the City of Lauderhill, and the City of Plantation, after having considered the effects of annexation on the residents of both the Broward

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30 Estates area, as hereinafter described, and on the respective
31 municipality shall inform the Broward County Legislative
32 Delegation and the Broward County Board of County Commissioners
33 of its desire to appear on the ballot as provided for in this
34 act.

35 Section 2. If at least one of the municipalities subject
36 to annexation under this act informs the Broward County
37 Legislative Delegation and the Broward County Board of County
38 Commissioners that it desires to appear on the ballot as
39 provided for in section 1, the Broward County Board of County
40 Commissioners shall schedule an election on November 2, 2004, in
41 accordance with the provisions of law relating to elections
42 currently in force in Broward County. The subject of such
43 election shall be the annexation of the Broward Estates area.
44 Only registered voters residing in the Broward Estates area as
45 described in this act may vote in such election. On the ballot
46 provided for in this section shall appear the name of each
47 municipality which has informed the Broward County Legislative
48 Delegation and the Broward County Board of County Commissioners
49 that it desires to appear on the ballot as provided for in
50 section 1. The voters residing in the Broward Estates area
51 shall, by majority vote of the voters participating in the
52 election, choose one municipality for annexation. In the event
53 only one municipality shall have informed the Broward County
54 Legislative Delegation and the Broward County Board of County
55 Commissioners that it desires to appear on the ballot as
56 provided for in section 1, the voters residing in the Broward
57 Estates area shall, by majority vote of the voters participating
58 in the election, choose whether to join that municipality on

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59 September 15, 2005, or September 15, 2006. A mail ballot shall
 60 not be used in this election. However, voters may vote by
 61 absentee ballot as provided by law.

62 Section 3. Legal description of the Broward Estates Area:

63
 64 That portion of Section 6, Township 50 South, Range 42
 65 East, Broward County, Florida, described as follows:

66
 67 Beginning at a point on the municipal boundary of the
 68 City of Plantation, established by Chapter 68-101,
 69 Laws of Florida, being at the intersection of the
 70 South line of said Section 6 with the Southerly
 71 prolongation of the centerline of NW 38th Way, as
 72 shown by the plat of BROWARD ESTATES Section 2, as
 73 recorded in Plat Book 34, Page 19, Public Records of
 74 Broward County, Florida,

75
 76 thence continuing along said municipal boundary the
 77 following 10 courses;

78
 79 thence North along the said Southerly prolongation of
 80 the centerline of NW 38th Way to an intersection with
 81 the North right-of-way line of Broward Boulevard,
 82 said North right-of-way line being 50 feet North of
 83 and parallel to the South line of said Section 6;

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 85 thence Easterly along the said North right-of-way line
 86 of Broward Boulevard to the Southeast corner of Tract
 87 E, as shown by said BROWARD ESTATES Section 2;

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thence Northerly along the East line of said Tract E to the Northeast corner of said Tract E;

thence Westerly along the North line of Tracts D and E, as shown by said BROWARD ESTATES Section 2, and its Westerly prolongation thereof to a point of intersection with the centerline of NW 38th Way, as shown by said BROWARD ESTATES, Section 2;

thence Northwesterly along the centerline of said NW 38th Way to a point of intersection with the Southerly prolongation of the West line of Block 13, as shown by said BROWARD ESTATES Section 2;

thence Northerly along the West line of Block 13 and its Southerly prolongation thereof, to the North line of said BROWARD ESTATES Section 2;

thence Westerly along the said North line of BROWARD ESTATES Section 2 for a distance of 40 feet;

thence Northerly along a line 230 feet East of and parallel to the West line of said Section 6, to the Westerly prolongation of the North right-of-way line of NW 5th Street, as shown by plat of GREENLEAF, as recorded in Plat Book 42, at Page 9, Public Records of Broward County, Florida;

117 thence Westerly along said Westerly prolongation for a
 118 distance of 5 feet;

119
 120 thence Northerly along a line 225 feet East of and
 121 parallel to the West line of said Section 6 to the
 122 Westerly prolongation of the North right-of-way line
 123 of NW 7th Street, as shown by plat of ACADEMY AWARD
 124 HOMES Section 3, as recorded in Plat Book 45, at Page
 125 17 Public Records of Broward County, Florida;

126
 127 thence Easterly and Southeasterly along the said North
 128 right-of-way line and the Easterly prolongation
 129 thereof to the Northwest corner of lot 3, Block 5, as
 130 shown by the plat of TROPICANA PARK HOMES, as recorded
 131 in Plat Book 46, Page 17, Public Records of Broward
 132 County, Florida;

133
 134 thence East along the North line of said Lot 3 to the
 135 Northeast corner thereof;

136
 137 thence East to the Northwest corner of Lot 6, Block
 138 27, as shown by the plat of NEW BROWARDALE, as
 139 recorded in Plat Book 47, Page 14, Public Records of
 140 Broward County, Florida;

141
 142 thence East along the North line of said Lot 6 to the
 143 Northeast corner thereof being on the West right-of-
 144 way line of NW 34th Terrace, as shown by said plat of
 145 NEW BROWARDALE;

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147 thence North along the said West right-of-way line to
148 the point of curvature of a curve concave to the
149 Southeast, having a radius of 85 feet;
150
151 thence North through East along said curve to the
152 point of tangency with the North right-of-way line of
153 NW 7th Street, as shown by said plat of NEW BROWARDALE;
154
155 thence East along the said North right-of-way line and
156 the Easterly prolongation thereof to the centerline of
157 NW 34th Avenue;
158
159 thence East along the North right-of-way line of NW 7th
160 Street and the Westerly prolongation thereof, to the
161 point of curvature of a curve concave to the
162 Northwest, having a radius of 25 feet;
163
164 thence East through North along the arc of said curve
165 to the point of tangency with the West right-of-way
166 line of NW 33rd Terrace, as shown by BROWARDALE 2ND
167 ADDITION AMENDED PLAT, as recorded in Plat Book 47,
168 Page 23, Public Records of Broward County, Florida;
169
170 thence East to the Northwest corner of Lot 1, Block
171 32, as shown by the said BROWARDALE 2ND ADDITION
172 AMENDED PLAT;
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174 thence East along the North line of said Lot 1 to the

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175 Northeast corner thereof;
 176
 177 thence Easterly to the Northwest corner of Lot 16,
 178 Block 31, as shown by the said BROWARDALE 2ND ADDITION
 179 AMENDED PLAT;
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 181 thence East along the North line of said Lot 16 to the
 182 Northeast corner thereof;
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 184 thence East to the Northwest corner of Lot 16, Block
 185 30, as shown by said BROWARDALE 2ND ADDITION AMENDED
 186 PLAT;
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 188 thence East along the North line of said Lot 16, Block
 189 30 to the Northeast corner thereof;
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 191 thence South along the East line of said Lot 16, Block
 192 30 to a point of intersection with the North line of
 193 the Southeast One-Quarter (SE 1/4), of the Southeast
 194 One-Quarter (SE 1/4), of the Northeast One-Quarter (NE
 195 1/4) of said Section 6;
 196
 197 thence East along said North line to the East line of
 198 said Section 6;
 199
 200 thence South along said East line to the North right-
 201 of-way line of West Broward Boulevard and the boundary
 202 of the City of Fort Lauderdale as described in Chapter
 203 69-1057, Laws of Florida;

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thence continuing along said municipal boundary the following 2 courses;

thence West along said North right-of-way line to the Northerly extension of the West right-of-way line of SW 31st Avenue;

thence South along said Northerly extension to a point on the South line of said Section 6, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Chapter 2001-291, Laws of Florida;

thence West along said South line and municipal boundary to the POINT OF BEGINNING.

Section 4. 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 area described in section 3 commonly known as the Broward Estates area. Only registered voters residing in the Broward Estates area as described in this act may vote in said 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 that it desires to appear on the ballot as provided for in section 1. The voters residing in the Broward Estates area shall, by plurality vote of the voters

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233 participating in the election, choose one municipality for
 234 annexation.

235 Section 5. Upon a plurality of the registered voters
 236 voting in the referendum as provided in section 4 for annexation
 237 into the City of Lauderdale Lakes, the City of Lauderdale, or
 238 the City of Plantation, the area described in this act shall be
 239 deemed part of said municipality on September 15, 2005, pursuant
 240 to section 171.062, Florida Statutes, except as provided for in
 241 this act.

242 Section 6. An interlocal agreement shall be developed
 243 between the governing bodies of Broward County and the City of
 244 Lauderdale Lakes, the City of Lauderdale, and the City of
 245 Plantation and executed prior to the effective date of the
 246 annexation as provided for in section 5. The agreement shall
 247 address infrastructure improvement projects and include a
 248 financially feasible plan for transitioning county services,
 249 buildings, infrastructure, waterways, and employees.

250 Section 7. The Board of County Commissioners of Broward
 251 County is hereby authorized to set the election provided for in
 252 section 4 by general election for the time period provided in
 253 this act at the cost of Broward County. A mail ballot shall not
 254 be used for any election provided for in this act. However,
 255 voters may vote by absentee ballot as provided by law.

256 Section 8. Upon annexation into the City of Lauderdale
 257 Lakes, the City of Lauderdale, or the City of Plantation, the
 258 following shall govern the areas described in section 3:

259 (1) The present land use designations and zoning districts
 260 provided for under the Broward County Comprehensive Plan and
 261 Code of Ordinances of Broward County shall remain the law

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262 governing the Broward Estates area, notwithstanding the fact
 263 that the Broward Estates area is now a part of a municipality,
 264 until amended by majority vote plus one of the governing body of
 265 the municipality. The land use designations and zoning of
 266 Broward County shall be deemed the conforming laws of the
 267 municipality which the Broward Estates area is now a part, until
 268 amended by majority vote plus one of the governing body of the
 269 municipality.

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

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

280 Section 9. Subsequent to the effective date of this act,
 281 no change in land use designation or zoning shall be effective
 282 within the limits of the lands subject to annexation herein
 283 until the Broward Estates area has been annexed; no annexation
 284 within the Broward Estates area by any municipality shall occur
 285 during the time period between the effective date of this act
 286 and the effective date of the annexation.

287 Section 10. Subsequent to the effective date of the
 288 annexation, any resident in the area to be annexed by this act
 289 into the City of Lauderdale Lakes, the City of Lauderdale Hill, or
 290 the City of Plantation shall be deemed to have met any residency

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291 requirements for candidacy.

292 Section 11. Nothing in this chapter shall be construed to
 293 affect or abrogate the rights of parties to any contracts,
 294 whether the same be between Broward County and a third party or
 295 between nongovernmental entities, which contracts are in effect
 296 prior to the effective date of the annexation.

297 Section 12. All public roads and the public rights-of-way
 298 associated therewith on the Broward County Road System, lying
 299 within the limits of the lands subject to annexation herein, as
 300 described in section 3, are transferred from Broward County
 301 jurisdiction to the jurisdiction of the annexing municipality,
 302 except for those portions of Martin Luther King, Jr. Avenue (NW
 303 31 Avenue) lying within the limits of the annexation area. All
 304 rights, title, interests, and responsibilities for any
 305 transferred roads, including, but not limited to, the ownership,
 306 operation, maintenance, planning, design, and construction of
 307 said roads and to the rights-of-way associated therewith shall
 308 transfer from Broward County jurisdiction and ownership to the
 309 jurisdiction and ownership of the annexing municipality upon the
 310 effective date of the annexation.

311 Section 13. This act shall take effect upon becoming a
 312 law.