

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, the
9 City of Lauderhill, and the City of Plantation; providing
10 for annexation of the unincorporated area known as Broward
11 Estates; providing for an election; providing for an
12 effective date of annexation; providing for an interlocal
13 agreement; providing for a continuation of certain Broward
14 County regulations; providing for the transfer of public
15 roads and rights-of-way; providing for effective date.

16
17 WHEREAS, the Legislature understands that the Broward
18 Estates Area is not contiguous to either the City of Lauderdale
19 Lakes or the City of Lauderhill, and

20 WHEREAS, the Broward Estates area is part of the
21 metropolitan Broward County area and Broward County desires to
22 have all areas of unincorporated Broward County annexed into one

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23 | of the thirty municipalities within Broward County for municipal
24 | services, and

25 | WHEREAS, both the City of Lauderdale Lakes and the City of
26 | Lauderdale Hill are readily accessible to the area for municipal
27 | services, NOW, THEREFORE,

28 |

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

30 |

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

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

51 provided for in this section shall appear the name of each
 52 municipality which has informed the Broward County Legislative
 53 Delegation and the Broward County Board of County Commissioners
 54 that it desires to appear on the ballot as provided for in
 55 section 1. The voters residing in the Broward Estates area
 56 shall, by plurality vote of the voters participating in the
 57 election, choose to be annexed by one municipality effective
 58 September 15, 2005. In the event only one municipality shall
 59 have informed the Broward County Legislative Delegation and the
 60 Broward County Board of County Commissioners that it desires to
 61 appear on the ballot as provided for in section 1, the voters
 62 residing in the Broward Estates area shall, by majority vote of
 63 the voters participating in the election, choose whether to be
 64 annexed by that municipality on September 15, 2005, or September
 65 15, 2006. A mail ballot shall not be used in this election.
 66 However, voters may vote by absentee ballot as provided by law.

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

68
 69 That portion of Section 6, Township 50 South, Range 42
 70 East, Broward County, Florida, described as follows:

71
 72 Beginning at a point on the municipal boundary of the
 73 City of Plantation, established by Chapter 68-101,
 74 Laws of Florida, being at the intersection of the
 75 South line of said Section 6 with the Southerly
 76 prolongation of the centerline of NW 38th Way, as
 77 shown by the plat of BROWARD ESTATES Section 2, as

78 | recorded in Plat Book 34, Page 19, Public Records of
 79 | Broward County, Florida,
 80 |
 81 | thence continuing along said municipal boundary the
 82 | following 10 courses;
 83 |
 84 | thence North along the said Southerly prolongation of
 85 | the centerline of NW 38th Way to an intersection with
 86 | the North right-of-way line of Broward Boulevard,
 87 | said North right-of-way line being 50 feet North of
 88 | and parallel to the South line of said Section 6;
 89 |
 90 | thence Easterly along the said North right-of-way line
 91 | of Broward Boulevard to the Southeast corner of Tract
 92 | E, as shown by said BROWARD ESTATES Section 2;
 93 |
 94 | thence Northerly along the East line of said Tract E
 95 | to the Northeast corner of said Tract E;
 96 |
 97 | thence Westerly along the North line of Tracts D and
 98 | E, as shown by said BROWARD ESTATES Section 2, and its
 99 | Westerly prolongation thereof to a point of
 100 | intersection with the centerline of NW 38th Way, as
 101 | shown by said BROWARD ESTATES, Section 2;
 102 |
 103 | thence Northwesterly along the centerline of said NW
 104 | 38th Way to a point of intersection with the Southerly

105 prolongation of the West line of Block 13, as shown by
 106 said BROWARD ESTATES Section 2;

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

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

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

122 thence Westerly along said Westerly prolongation for a
 123 distance of 5 feet;

125 thence Northerly along a line 225 feet East of and
 126 parallel to the West line of said Section 6 to the
 127 Westerly prolongation of the North right-of-way line
 128 of NW 7th Street, as shown by plat of ACADEMY AWARD
 129 HOMES Section 3, as recorded in Plat Book 45, at Page
 130 17 Public Records of Broward County, Florida;

131

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

138
 139 thence East along the North line of said Lot 3 to the
 140 Northeast corner thereof;

141
 142 thence East to the Northwest corner of Lot 6, Block
 143 27, as shown by the plat of NEW BROWARDALE, as
 144 recorded in Plat Book 47, Page 14, Public Records of
 145 Broward County, Florida;

146
 147 thence East along the North line of said Lot 6 to the
 148 Northeast corner thereof being on the West right-of-
 149 way line of NW 34th Terrace, as shown by said plat of
 150 NEW BROWARDALE;

151
 152 thence North along the said West right-of-way line to
 153 the point of curvature of a curve concave to the
 154 Southeast, having a radius of 85 feet;

155
 156 thence North through East along said curve to the
 157 point of tangency with the North right-of-way line of
 158 NW 7th Street, as shown by said plat of NEW BROWARDALE;
 159

160 thence East along the said North right-of-way line and
 161 the Easterly prolongation thereof to the centerline of
 162 NW 34th Avenue;

163
 164 thence East along the North right-of-way line of NW 7th
 165 Street and the Westerly prolongation thereof, to the
 166 point of curvature of a curve concave to the
 167 Northwest, having a radius of 25 feet;

168
 169 thence East through North along the arc of said curve
 170 to the point of tangency with the West right-of-way
 171 line of NW 33rd Terrace, as shown by BROWARDALE 2ND
 172 ADDITION AMENDED PLAT, as recorded in Plat Book 47,
 173 Page 23, Public Records of Broward County, Florida;

174
 175 thence East to the Northwest corner of Lot 1, Block
 176 32, as shown by the said BROWARDALE 2ND ADDITION
 177 AMENDED PLAT;

178
 179 thence East along the North line of said Lot 1 to the
 180 Northeast corner thereof;

181
 182 thence Easterly to the Northwest corner of Lot 16,
 183 Block 31, as shown by the said BROWARDALE 2ND ADDITION
 184 AMENDED PLAT;

185
 186 thence East along the North line of said Lot 16 to the
 187 Northeast corner thereof;

188
 189 thence East to the Northwest corner of Lot 16, Block
 190 30, as shown by said BROWARDALE 2ND ADDITION AMENDED
 191 PLAT;
 192
 193 thence East along the North line of said Lot 16, Block
 194 30 to the Northeast corner thereof;
 195
 196 thence South along the East line of said Lot 16, Block
 197 30 to a point of intersection with the North line of
 198 the Southeast One-Quarter (SE 1/4), of the Southeast
 199 One-Quarter (SE 1/4), of the Northeast One-Quarter (NE
 200 1/4) of said Section 6;
 201
 202 thence East along said North line to the East line of
 203 said Section 6;
 204
 205 thence South along said East line to the North right-
 206 of-way line of West Broward Boulevard and the boundary
 207 of the City of Fort Lauderdale as described in Chapter
 208 69-1057, Laws of Florida;
 209
 210 thence continuing along said municipal boundary the
 211 following 2 courses;
 212
 213 thence West along said North right-of-way line to the
 214 Northerly extension of the West right-of-way line of
 215 SW 31st Avenue;

216
217 thence South along said Northerly extension to a point
218 on the South line of said Section 6, said point being
219 on the municipal boundary of the City of Fort
220 Lauderdale, as established by Chapter 2001-291, Laws
221 of Florida;

222
223 thence West along said South line and municipal
224 boundary to the POINT OF BEGINNING.

225 Section 4. An interlocal agreement shall be developed
226 between the governing bodies of Broward County and the annexing
227 city and executed prior to the effective date of the annexation.
228 The agreement shall address infrastructure improvement projects
229 and include a financially feasible plan for transitioning county
230 services, buildings, infrastructure, waterways, and employees.

231 Section 5. The Board of County Commissioners of Broward
232 County is hereby authorized to set the election provided for in
233 section 2 by general election for the time period provided in
234 this act at the cost of Broward County.

235 Section 6. Upon annexation into the City of Lauderdale
236 Lakes, the City of Lauderhill, or the City of Plantation, the
237 following shall govern the areas described in section 3:

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

243 until amended by majority vote plus one of the governing body of
 244 the municipality.

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

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

255 Section 7. Subsequent to the effective date of this act,
 256 no change in land use designation or zoning shall be effective
 257 within the limits of the lands subject to annexation herein
 258 until the Broward Estates area has been annexed; no annexation
 259 within the Broward Estates area by any municipality shall occur
 260 during the time period between the effective date of this act
 261 and the effective date of the annexation.

262 Section 8. Subsequent to the effective date of the
 263 annexation, any resident in the area to be annexed by this act
 264 into the City of Lauderdale Lakes, the City of Lauderdale, or
 265 the City of Plantation shall be deemed to have met any residency
 266 requirements for candidacy for municipal office.

267 Section 9. Nothing in this chapter shall be construed to
 268 affect or abrogate the rights of parties to any contracts,
 269 whether the same be between Broward County and a third party or

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270 between nongovernmental entities, which contracts are in effect
 271 prior to the effective date of the annexation.

272 Section 10. All public roads and the public rights-of-way
 273 associated therewith on the Broward County Road System, lying
 274 within the limits of the lands subject to annexation herein, as
 275 described in section 3, are transferred from Broward County
 276 jurisdiction to the jurisdiction of the annexing municipality,
 277 except for those portions of Martin Luther King, Jr. Avenue (NW
 278 31 Avenue) lying within the limits of the annexation area. All
 279 rights, title, interests, and responsibilities for any
 280 transferred roads, including, but not limited to, the ownership,
 281 operation, maintenance, planning, design, and construction of
 282 said roads and to the rights-of-way associated therewith shall
 283 transfer from Broward County jurisdiction and ownership to the
 284 jurisdiction and ownership of the annexing municipality upon the
 285 effective date of the annexation.

286 Section 11. This act shall take effect upon becoming a
 287 law.