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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, 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

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the effects of annexation on the residents of both the Broward Estates 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 its desire to appear on the ballot as provided for in this act.

Section 2. If at least one of the municipalities subject to annexation under this act 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 Broward Estates area. Only registered voters residing in the Broward Estates 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 has 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 Broward Estates area shall, by plurality 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

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residing in the Broward Estates area shall, by majority vote of the voters participating in the election, choose whether to be annexed by that municipality on September 15, 2005, or September 15, 2006. A mail ballot shall not be used in this election. However, voters may vote by absentee ballot as provided by law.

Section 3. Legal description of the Broward Estates Area:

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

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

thence continuing along said municipal boundary the following 10 courses;

thence North along the said Southerly prolongation of the centerline of NW 38<sup>th</sup> Way to an intersection with the North right-of-way line of Broward Boulevard, said North right-of-way line being 50 feet North of and parallel to the South line of said Section 6;

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

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 38<sup>th</sup> Way, as shown by said BROWARD ESTATES, Section 2;

thence Northwesterly along the centerline of said NW 38<sup>th</sup> 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

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of NW 5<sup>th</sup> Street, as shown by plat of GREENLEAF, as recorded in Plat Book 42, at Page 9, Public Records of Broward County, Florida;

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

thence Northerly along a line 225 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 7<sup>th</sup> Street, as shown by plat of ACADEMY AWARD HOMES Section 3, as recorded in Plat Book 45, at Page 17 Public Records of Broward County, Florida;

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

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

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

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thence East along the North line of said Lot 6 to the  
Northeast corner thereof being on the West right-of-  
way line of NW 34<sup>th</sup> Terrace, as shown by said plat of  
NEW BROWARDALE;

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

thence North through East along said curve to the  
point of tangency with the North right-of-way line of  
NW 7<sup>th</sup> Street, as shown by said plat of NEW BROWARDALE;

thence East along the said North right-of-way line and  
the Easterly prolongation thereof to the centerline of  
NW 34<sup>th</sup> Avenue;

thence East along the North right-of-way line of NW 7<sup>th</sup>  
Street and the Westerly prolongation thereof, to the  
point of curvature of a curve concave to the  
Northwest, having a radius of 25 feet;

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

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thence East to the Northwest corner of Lot 1, Block  
32, as shown by the said BROWARDALE 2<sup>ND</sup> ADDITION  
AMENDED PLAT;

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

thence Easterly to the Northwest corner of Lot 16,  
Block 31, as shown by the said BROWARDALE 2<sup>ND</sup> ADDITION  
AMENDED PLAT;

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

thence East to the Northwest corner of Lot 16, Block  
30, as shown by said BROWARDALE 2<sup>ND</sup> ADDITION AMENDED  
PLAT;

thence East along the North line of said Lot 16, Block  
30 to the Northeast corner thereof;

thence South along the East line of said Lot 16, Block  
30 to a point of intersection with the North line of  
the Southeast One-Quarter (SE 1/4), of the Southeast  
One-Quarter (SE 1/4), of the Northeast One-Quarter (NE  
1/4) of said Section 6;

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thence East along said North line to the East line of  
said Section 6;

thence South along said East line to the North right-  
of-way line of West Broward Boulevard and the boundary  
of the City of Fort Lauderdale as described in Chapter  
69-1057, Laws of Florida;

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 31<sup>st</sup> 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. An interlocal agreement shall be developed  
between the governing bodies of Broward County and the annexing  
city and executed prior to the effective date of the annexation.  
The agreement shall address infrastructure improvement projects



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and include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways, and employees.

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

Section 6. Upon annexation into the City of Lauderdale Lakes, the City of Lauderhill, or the City of Plantation, 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 Broward Estates area, notwithstanding the fact that the Broward Estates area is now a part of a municipality, until amended by majority vote plus one of the governing body of the 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 Broward Estates area becomes a part of the municipality, said use 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 7. Subsequent to the effective date of this act, no change in land use designation or zoning shall be effective

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within the limits of the lands subject to annexation herein until the Broward Estates area has been annexed; no annexation within the Broward Estates 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 8. 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, the City of Lauderhill, or the City of Plantation shall be deemed to have met any residency requirements for candidacy for municipal office.

Section 9. 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 10. All public roads 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 Martin Luther King, Jr. Avenue (NW 31 Avenue) lying within the limits of the annexation area. 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

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jurisdiction and ownership of the annexing municipality upon the effective date of the annexation.

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