

ENROLLED
HB 1399, 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 Fort Lauderdale or the City of Oakland Park; providing for annexation of the unincorporated area known as Twin Lakes North; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain regulations; providing for the 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 bodies of the City of Fort Lauderdale and the City of Oakland Park, after having considered the effects of annexation on the residents of both the Twin Lakes North Area, as hereinafter described, and 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. Twin Lakes North Area legal description.--

That portion of Section 16, Township 49 South, Range 42 East, Broward County, Florida, described as follows:

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Begin at the Northwest corner of Lot 7, Block 2 of Twin Lakes, as recorded in Plat Book 29, Page 23, of the Public Records of Broward County, Florida, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-82-128 of the City of Fort Lauderdale;

Thence South along the West line of said Lot 7 and said municipal boundary to the Southwest corner of said Lot 7;

Thence Easterly along the South line of Lots 7, 6 and 5 of said Twin Lakes plat and said municipal boundary to the Southwest corner of Lot 4 of said plat, said point being on the municipal boundary of the City of Oakland Park, as established by Chapter 79-519, Laws of Florida;

Thence continuing along said municipal boundary the following 4 courses:

Thence Southerly to the Northeast corner of Lot 1, Block 4 of Stadium Park, as recorded in Plat Book 53, Page 9, of the Public Records of Broward County, Florida;

Thence Southerly along the East line of Lots 1 thru 8, Block 4 of said Stadium Park, and the East line of

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Lots 18 and 15, Block 3 of said Stadium Park, to the Southeast corner of said Lot 15;

Thence Southwesterly to the Northwest corner of Lot 1, Block 14 of Twin Lakes, as recorded in Plat Book 29, Page 23, of the Public Records of Broward County, Florida;

Thence Southerly along the West line of Lots 1 thru 4, Block 14, and the Southerly projection thereof to the Northeast corner of Lot 12, Block 21 of said Twin Lakes, said point being on the municipal boundary of the City of Oakland Park, as established by Ordinance No. 0-81-20 of the City of Oakland Park;

Thence Westerly, Southerly and Easterly along said Lot 12 and said municipal boundary to the Southeast corner thereof, said point also being on the municipal boundary of the City of Oakland Park, as established by Chapter 79-519, Laws of Florida;

Thence continuing along said municipal boundary the following 5 courses:

Thence Southerly along the West line of Lots 3 and 4 of said Block 21 to the Southwest corner of said Lot 4;

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Thence Westerly along the North right of way line of N.W. 45 Court to the intersection with the West right of way line of N.W. 10 Avenue;

Thence Southerly along the West right of way line of N.W. 10 Avenue to the Southeast corner of Lot 16, Block 24 of said Twin Lakes;

Thence Westerly along the North right of way line of Prospect Field Road (N.W. 44 Street) to a point of intersection with the Northerly extension of the West right of way line of that part of N.W. 10 Avenue lying South of said Prospect Field Road (N.W. 44 Street);

Thence Southwesterly along said Northerly extension to a point on the centerline of Prospect Field Road (N.W. 44 Street);

Thence Northwesterly along said centerline to a point on the West line of the Southwest One-Quarter (SW 1/4), of the Southeast One-Quarter (SE 1/4) of said Section 16, said point also being on the municipal boundary of the City of Tamarac, as established by Ordinance No. 68-4 of the City of Tamarac;

Thence Northerly along said West line and along said municipal boundary to a point on the North line of the South One-Half (S 1/2) of the Southeast One-Quarter

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(SE 1/4) of said Section 16, said point also being on the municipal boundary of the City of Fort Lauderdale, as established by Chapter 71-640, Laws of Florida;

Thence Easterly along said North line and said municipal boundary to the Northeast corner of the Southwest One-Quarter (SW 1/4), of the Southeast One-Quarter (SE 1/4) of said Section 16;

Thence Northerly along the West line of the East One-Half (E 1/2), of the East One-Half (E 1/2) of said Section 16 and along said municipal boundary to the Southwest corner of Lot 7, Block 5 of Twin Lakes, as recorded in Plat Book 29, Page 23, of the Public Records of Broward County, Florida, said point also being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-88-82 of the City of Fort Lauderdale;

Thence Easterly along the North line of Lot 6, 5 and 3, of said Block 5 also being the South line of Lot 7, 8 and 2 of said Block 5 and along said municipal boundary to the Northeast corner of said Lot 3, said point also being on the West right of way line of N.W. 11 Avenue as shown on said plat of Twin Lakes;

Thence Northerly along said West right of way line also being the East line of Lots 2 and 1 of said Block

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5 and the Northerly projection thereof and along said municipal boundary to a point on the South line of Parcel A of C.T.A. Plat, as recorded in Plat Book 124, Page 33, of the Public Records of Broward County, Florida, said point also being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-84-59 of the City of Fort Lauderdale;

Thence Easterly along said South line and said municipal boundary to the Southerly extension of the West line of Block 1 of Stadium Park, as recorded in Plat Book 53, Page 9, of the Public Records of Broward County, Florida;

Thence Northerly along said Southerly extension and the West line of said Block 1 and said municipal boundary to the Southwest corner of Lot 13, Block 1 of said Stadium Park, said point also being on the municipal boundary of the City of Fort Lauderdale, as established by Chapter 79-459, Laws of Florida;

Thence continuing along said municipal boundary the following 4 courses:

Thence Easterly along the South line of Lots 13, 12 and 11 of said Block 1 to the Southeast corner of said Lot 11;

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Thence continue Easterly along the South line of the North 120 feet of Lots 1, 2, 3 and the East 15 feet of Lot 4, Block 1 of said Twin Lakes, and the Easterly projection thereof to the West line of Lot 9, Block 2 of said Twin Lakes;

Thence Southerly along said West line to the Southwest corner of said Lot 9;

Thence Easterly along the South line of said Lot 9 to the POINT OF BEGINNING.

Section 3. If at least one of the municipalities referenced in section 1 of 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 Twin Lakes North Area. Only registered voters residing in the Twin Lakes North 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 that 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

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section 1. The voters residing in the Twin Lakes North Area shall, by majority vote of the voters participating in the election, choose one municipality for annexation. In the event only one municipality 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 Twin Lakes North 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 election. However, voters may vote by absentee ballot as provided by law.

Section 4. Upon a majority of the voters participating in the election as provided in section 3, voting for annexation, the Twin Lakes North Area described in section 2 shall be deemed a part of said municipality on September 15, 2005, pursuant to s. 171.062, Florida Statutes, except as provided for in this act.

Section 5. 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 4. The agreement shall address infrastructure improvement projects and include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways, and employees.

Section 6. The Board of County Commissioners of Broward County is hereby authorized to set the election provided for in section 3 by general election for the time period provided in

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this act at the cost of Broward County. A mail ballot shall not be used for any election provided for in this act. However, voters may vote by absentee ballot as provided by law.

Section 7. Upon annexation into a municipality, the following shall govern the areas described in section 2:

(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 Twin Lakes North Area, notwithstanding the fact that the Twin Lakes North 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 Twin Lakes North 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 8. 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 Twin Lakes North Area has been annexed into the municipality; no annexation within the Twin Lakes North Area by any municipality shall occur during the time period between the effective date of this act and the effective date of the annexation.

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Section 9. Subsequent to the effective date of the annexation, any resident in the area to be annexed by this act into the City of Fort Lauderdale or the City of Oakland Park shall be deemed to have met any residency requirements for candidacy for any municipal office.

Section 10. Nothing in this act 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 11. 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 2, are transferred from Broward County jurisdiction to the jurisdiction of the annexing municipality, except for that portion of Prospect Road described in section 2. 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 12. This act shall take effect upon becoming a law.