

ENROLLED
HB 1409, 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 Pompano Beach or the City of Deerfield Beach; providing for annexation of the unincorporated area known as the Pompano Highlands; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for 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. The legal description of the area referred to in this act as the "Pompano Highlands Area" is as follows:

A portion of Sections 12 and 13, Township 48 South, Range 42 East; and a portion of Sections 7 and 18, Township 48 South, Range 43 East, Broward County, Florida, described as follows:

BEGINNING at the intersection of the South right-of-way line of SE 15 Street (NE 54 Street), being a point on the municipal boundary of the City of Deerfield Beach, as established by Chapter 70-647, Laws of Florida, with the Westerly right-of-way line of Federal Highway, State Road No.5 (U.S. No. 1), being a point on the municipal boundary of the City of

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HB 1409, Engrossed 1

2004 Legislature

Lighthouse Point, as established by Chapter 70-783,
Laws of Florida,

THENCE Southwesterly along said Westerly right-of-way
line, as established by Chapter 70-783 and continuing
Southwesterly along the Westerly right-of-way line of
Federal Highway, State Road No. 5 (U.S. No.1), also
being along the municipal boundary of the City of
Lighthouse Point, as established by Chapter 70-784,
Laws of Florida, to the centerline of NE 36 Street
(Sample Road);

THENCE Westerly along said centerline also being along
the municipal boundary of the City of Pompano Beach,
as established by Chapter 2000-476, Laws of Florida to
the East right-of-way line of the Florida, East Coast
Railway;

THENCE Northeasterly along said East right-of-way
line, a portion of which is along the municipal
boundary of the City of Deerfield Beach, as
established by Chapter 99-471, Laws of Florida, to the
South line of Parcel "A", MORGAN PLAT NO. 1, according
to the plat thereof as recorded in Plat Book 110,
Page 42, of the Public Records of Broward County,
Florida;

ENROLLED
HB 1409, Engrossed 1

2004 Legislature

THENCE along the municipal boundary of the City of Deerfield Beach, as established by Ordinance 1985/24, City of Deerfield Beach, the following two (2) courses;

THENCE Easterly along the said South line of Parcel "A" to the East line of said Parcel "A";

THENCE Northerly along said East line to the intersection with the East right-of-way line of NE 13th Way, as shown on said MORGAN PLAT NO. 1;

THENCE along the municipal boundary of the City of Deerfield Beach, as established by Chapter 99-471, Laws of Florida, the following three (3) courses;

THENCE Northerly along the said East right-of-way line to the North line of Parcel "B" of said MORGAN PLAT NO. 1;

THENCE Easterly along said North line to the East line of said Parcel "B";

THENCE Northerly along the Northerly extension of said East line to the South right-of-way line of SW 15 Street (NE 54 Street), as established by aforesaid Chapter 70-647, Laws of Florida;

ENROLLED
HB 1409, Engrossed 1

2004 Legislature

THENCE Easterly along said South right-of-way line to
the POINT OF BEGINNING.

Section 2. The Broward County Board of County
Commissioners shall schedule an election in accordance with
provisions of the law relating to elections currently in force
in Broward County on August 31, 2004. The subject of said
election shall be the annexation of the Pompano Highlands Area.
Only registered voters residing in the Pompano Highlands Area as
described in this act may vote in said election. On the ballot
provided for in this section shall appear the name of the City
of Deerfield Beach and the City of Pompano Beach. Voters
residing in the Pompano Highlands Area shall by majority vote of
the voters participating in the election choose one municipality
for annexation. Mail ballots shall not be used in this election;
however, voters may vote by absentee ballots as provided by law.

Section 3. Upon a majority of the registered voters
residing in the Pompano Highlands Area voting for annexation
into the City of Deerfield Beach or the City of Pompano Beach,
the Pompano Highlands Area described in section 1 shall be
deemed a part of said municipality on September 15, 2004,
pursuant to s. 171.062, Florida Statutes, except as provided for
in this act.

Section 4. 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 3. The agreement shall
address infrastructure improvement projects and include a

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

Section 5. Upon annexation into the municipality, the following shall govern the areas described in section 1:

(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 Pompano Highlands Area, notwithstanding the fact that the Pompano Highlands 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 the Pompano Highlands Area becomes a part of the municipality 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 shall not be voluntarily abandoned.

Section 6. 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 Pompano Highlands Area has been annexed into the municipality; no annexation within the Pompano Highlands Area by any municipality shall occur during the time period between the effective date of this act and the effective date of the annexation.

ENROLLED
HB 1409, Engrossed 1

2004 Legislature

Section 7. Any resident in the area to be annexed by this act into the City of Deerfield Beach or the City of Pompano Beach shall be deemed to have met any residency requirements for candidacy for municipal office.

Section 8. 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 9. 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 1, are transferred from Broward County jurisdiction to the jurisdiction of the annexing municipality. 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 10. This act shall take effect upon becoming a law.