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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 North Andrews Gardens; 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 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 for the City of Fort Lauderdale and for the City of Oakland Park, after having considered the effects of annexation on the residents of both the North Andrews Gardens 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 their 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

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30 currently in force in Broward County. The subject of such
 31 election shall be the annexation of the North Andrews Gardens
 32 Area. Only registered voters residing in the North Andrews
 33 Gardens Area as described in this act may vote in such election.
 34 On the ballot provided for in this section shall appear the name
 35 of each municipality which shall have informed the Broward
 36 County Legislative Delegation and the Broward County Board of
 37 County Commissioners that it desires to appear on the ballot as
 38 provided for in section 1. The voters residing in the North
 39 Andrews Gardens Area shall, by majority vote of the voters
 40 participating in the election, choose one municipality for
 41 annexation. In the event only one municipality shall have
 42 informed the Broward County Legislative Delegation and the
 43 Broward County Board of County Commissioners that it desires to
 44 appear on the ballot as provided for in section 1, the voters
 45 residing in the North Andrews Garden Area shall, by majority
 46 vote of the voters participating in the election, choose whether
 47 to join that municipality on September 15, 2005, or September
 48 15, 2006. A mail ballot shall not be used in this election.
 49 However, voters may vote by absentee ballot as provided by law.

50 Section 3. Legal description of the North Andrews Gardens
 51 area:

52
 53 That portion of Sections 10, 11 and 15 Township 49
 54 South, Range 42 East, Broward County, Florida,
 55 described as follows:

56
 57 Begin at a point at the South right-of-way line of
 58 East Commercial Boulevard and the West right-of-way

59 line of N.E. 6 Avenue, said point being on the
 60 municipal boundary of the City of Oakland Park, as
 61 established by Chapter 79-519, Laws of Florida;
 62
 63 Thence continuing along said municipal boundary the
 64 following 12 courses:
 65
 66 Thence Southerly along the West right-of-way line of
 67 N.E. 6 Avenue to a point 100.19 feet South of the
 68 South right-of-way line of N.E. 46 Street;
 69
 70 Thence Westerly along the North line of SEMINOLE
 71 WAREHOUSE PLAT ADDITION, Plat Book 39, Page 32,
 72 Broward County Records, for 305.80 feet;
 73
 74 Thence Southerly along the West line of said SEMINOLE
 75 WAREHOUSE PLAT ADDITION, and SEMINOLE WAREHOUSE PLAT,
 76 Plat Book 38, Page 8, of the Broward County Records,
 77 to a point 75 feet North of the North right-of-way
 78 line of N.E. 44 Street;
 79
 80 Thence West parallel with the North right-of-way line
 81 of N.E. 44 Street to a point on the West right-of-way
 82 line of N.E. 5 Avenue;
 83
 84 Thence North along the West right-of-way line of N.E.
 85 5 Avenue to a point being 100 feet North of the North
 86 right-of-way line of N.E. 44 Street;
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88 Thence West along a line parallel with and 100 feet
 89 North of the North right-of-way line of N.E. 44
 90 Street, to the N.W. corner of Lot 46, Block 9, NORTH
 91 ANDREWS GARDENS SECOND ADDITION, Plat Book 31, Page
 92 39, Broward County Records;
 93
 94 Thence Northerly to the N.E. corner of Lot 11, Block
 95 8, of said NORTH ANDREWS GARDENS SECOND ADDITION;
 96
 97 Thence Westerly along the North line of said Lot 11,
 98 Block 8, to the East right-of-way line of N.E. 1
 99 Terrace;
 100
 101 Thence Northerly along said East right-of-way line to
 102 the North right-of-way line of N.E. 45 Street;
 103
 104 Thence Westerly along said North right-of-way line to
 105 the West right-of-way line of N.W. 3 Avenue;
 106
 107 Thence Southerly to a point 110 feet South of the
 108 South right-of-way line of N.W. 45 Street;
 109
 110 Thence Westerly to the Easterly right-of-way line of
 111 Interstate 95, said point being on the municipal
 112 boundary of the City of Oakland Park, as established
 113 by Chapter 83-476, Laws of Florida;
 114
 115 Thence Northerly along said Easterly right-of-way line
 116 and said municipal boundary to a point on the South

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117 line of Parcel A, STILES-BENTON PLAT, according to the
 118 plat thereof, as recorded in Plat Book 155, Page 34,
 119 of the Public Records of Broward County, Florida, said
 120 point being on the municipal boundary of the City of
 121 Fort Lauderdale, as established by Ordinance No. C-94-
 122 41;

123
 124 Thence East, South, East and Northeast along the
 125 Southerly line of said Parcel A to a point on the
 126 Easterly right-of-way line of Interstate 95, said
 127 point being on the municipal boundary of the City of
 128 Oakland Park, as established by the aforesaid Chapter
 129 83-476, Laws of Florida;

130
 131 Thence along said Easterly right-of-way line and said
 132 municipal boundary to the West line of the HARRAH
 133 PLAT, according to the plat thereof, as recorded in
 134 Plat Book 100, Page 25, of the Public Records of
 135 Broward County, Florida, said point being on the
 136 municipal boundary of the City of Fort Lauderdale, as
 137 established by Ordinance No. C-94-16;

138
 139 Thence Southerly, along the West limits of said HARRAH
 140 PLAT and said municipal boundary, for a distance of
 141 299.15 feet to the Southwest corner of said HARRAH
 142 PLAT;

143
 144 Thence Easterly, along the South line of said HARRAH
 145 PLAT and said municipal boundary, for a distance of

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146 633.25 feet to the West right-of-way line of Northeast
 147 9 Avenue, said point being on the municipal boundary
 148 of the City of Oakland Park, as established by
 149 Chapter 75-452, Laws of Florida;

150
 151 Thence along said municipal boundary the following 5
 152 courses:

153
 154 Thence Southerly, along said West right of way line,
 155 to a point 100 feet North of the North right-of-way
 156 line of Northeast 58 Court;

157
 158 Thence Easterly for a distance of 400 feet;

159
 160 Thence Southerly to the North right-of-way line of
 161 Northeast 58 Street;

162
 163 Thence Westerly to the West right-of-way line of
 164 Northeast 9 Avenue;

165
 166 Thence Southerly, along said West right of way line,
 167 to the North right-of-way line of Northeast 56 Street,
 168 said point being on the municipal boundary of the City
 169 of Oakland Park, as established by Ordinance No. 562;

170
 171 Thence Westerly, along said North right of way line
 172 and said municipal boundary, to the West right-of-way
 173 line of Northeast 6 Avenue;

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175 Thence Southerly, along said West right of way line
 176 and said municipal boundary, to the POINT OF
 177 BEGINNING.

178
 179 Section 4. The Broward County Board of County
 180 Commissioners shall schedule an election in accordance with the
 181 provisions of the law relating to elections currently in force
 182 in Broward County on November 2, 2004. The subject of said
 183 election shall be the annexation of the North Andrews Gardens
 184 area. Only registered voters residing in the North Andrews
 185 Gardens area as described in this act may vote in said election.
 186 On the ballot provided for in this section shall appear the name
 187 of each municipality which shall have informed the Broward
 188 County Legislative Delegation that it desires to appear on the
 189 ballot as provided for in section 1. The voters residing in the
 190 North Andrews Gardens area shall, by majority vote of the voters
 191 participating in the election, choose one municipality for
 192 annexation. A mail ballot shall not be used in this election.
 193 However, voters may vote by absentee ballot as provided by law.

194 Section 5. Upon a majority of the registered voters
 195 residing in the North Andrews Gardens area voting for annexation
 196 into the City of Fort Lauderdale or the City of Oakland Park,
 197 the North Andrews Gardens area described in section 3 shall be
 198 deemed a part of said municipality on September 15, 2005,
 199 pursuant to section 171.062, Florida Statutes, except as
 200 provided for in this act.

201 Section 6. An interlocal agreement shall be developed
 202 between the governing bodies of Broward County and the annexing
 203 municipality and executed prior to the effective date of the

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204 annexation as provided for in section 5. The agreement shall
 205 address infrastructure improvement projects and include a
 206 financially feasible plan for transitioning county services,
 207 buildings, infrastructure, waterways, and employees.

208 Section 7. The Board of County Commissioners of Broward
 209 County is hereby authorized to set the election provided for in
 210 section 4 by general election for the time period provided in
 211 this act at the cost of Broward County. A mail ballot shall not
 212 be used for any election provided for in this act. However,
 213 voters may vote by absentee ballot as provided by law.

214 Section 8. Upon annexation into the municipality, the
 215 following shall govern the areas described in section 3:

216 (1) The present land use designations and zoning districts
 217 provided for under the Broward County Comprehensive Plan and
 218 Code of Ordinances of Broward County shall remain the law
 219 governing the North Andrews Gardens area, notwithstanding the
 220 fact that the North Andrews Gardens area is now a part of a
 221 municipality. The land use designations and zoning of Broward
 222 County shall be deemed the conforming laws of the municipality
 223 of which the North Andrews Gardens area is now a part.

224 (2) Any change of zoning districts or land use
 225 designations may only be accomplished by enactment of the vote
 226 of the majority of the full governing body of the municipality
 227 plus one.

228 (3) Notwithstanding subsections (1) and (2), any use,
 229 building, or structure that is legally in existence at the time
 230 that the North Andrews Gardens area becomes a part of the
 231 municipality shall not be made a prohibited use by the
 232 municipality, on the property of said use, for as long as the

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233 use shall continue, and not be voluntarily abandoned.

234 Section 9. Subsequent to the effective date of this act,
 235 no change in land use designation or zoning shall be effective
 236 within the limits of the lands subject to annexation herein
 237 until the North Andrews Gardens area has been annexed into the
 238 municipality; no annexation within the North Andrews Gardens
 239 area by any municipality shall occur during the time period
 240 between the effective date of this act and the effective date of
 241 the annexation.

242 Section 10. Any resident in the area to be annexed by this
 243 act into the City of Fort Lauderdale or the City of Oakland Park
 244 shall be deemed to have met any residency requirements for
 245 candidacy for any municipal office.

246 Section 11. Nothing in this chapter shall be construed to
 247 affect or abrogate the rights of parties to any contracts,
 248 whether the same be between Broward County and a third party or
 249 between nongovernmental entities, which contracts are in effect
 250 prior to the effective date of the annexation.

251 Section 12. All public roads and the public rights-of-way
 252 associated therewith, on the Broward County Road System, lying
 253 within the limits of the lands subject to annexation herein, as
 254 described in section 3, are transferred from Broward County
 255 jurisdiction to the jurisdiction of the annexing municipality,
 256 except for Andrews Avenue. All rights, title, interests, and
 257 responsibilities for any transferred roads, including, but not
 258 limited to, the ownership, operation, maintenance, planning,
 259 design, and construction of said roads and to the rights-of-way
 260 associated therewith, shall transfer from Broward County
 261 jurisdiction and ownership to the jurisdiction and ownership of

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262 the annexing municipality upon the effective date of the
263 annexation.

264 Section 13. This act shall take effect upon becoming a
265 law.