

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  
8 extending the corporate limits of the City of Fort  
9 Lauderdale or the City of Oakland Park; providing for  
10 annexation of the unincorporated area known as North  
11 Andrews Gardens; providing for an election; providing  
12 for an effective date of annexation; providing for an  
13 interlocal agreement; providing for a continuation of  
14 certain Broward County regulations; providing for the  
15 transfer of public roads and rights-of-way; providing  
16 an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. No later than July 1, 2004, the governing  
21 bodies for the City of Fort Lauderdale and for the City of  
22 Oakland Park, after having considered the effects of annexation  
23 on the residents of both the North Andrews Gardens area, as

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24 hereinafter described, and on the respective municipality, shall  
25 inform the Broward County Legislative Delegation and the Broward  
26 County Board of County Commissioners of their desire to appear  
27 on the ballot as provided for in this act.

28 Section 2. If at least one of the municipalities specified  
29 in section 1 informs the Broward County Legislative Delegation  
30 and the Broward County Board of County Commissioners that it  
31 desires to appear on the ballot, the Broward County Board of  
32 County Commissioners shall schedule an election on August 31,  
33 2004, at the cost of Broward County, in accordance with the  
34 provisions of law relating to elections currently in force in  
35 Broward County. The subject of such election shall be the  
36 annexation of the North Andrews Gardens Area. Only registered  
37 voters residing in the North Andrews Gardens Area as described  
38 in this act may vote in such election. On the ballot provided  
39 for in this section shall appear the name of each municipality  
40 which shall have informed the Broward County Legislative  
41 Delegation and the Broward County Board of County Commissioners  
42 that it desires to appear on the ballot as provided for in  
43 section 1. The voters residing in the North Andrews Gardens Area  
44 shall, by majority vote of the voters participating in the  
45 election, choose one municipality for annexation. In the event  
46 only one municipality shall have informed the Broward County  
47 Legislative Delegation and the Broward County Board of County  
48 Commissioners that it desires to appear on the ballot as  
49 provided for in section 1, the voters residing in the North  
50 Andrews Garden Area shall, by majority vote of the voters  
51 participating in the election, choose whether to join that

52 municipality on September 15, 2005, or September 15, 2006. A  
 53 mail ballot shall not be used in this election. However, voters  
 54 may vote by absentee ballot as provided by law.

55 Section 3. Legal description of the North Andrews Gardens  
 56 area:

57  
 58 That portion of Sections 10, 11 and 15 Township 49  
 59 South, Range 42 East, Broward County, Florida,  
 60 described as follows:

61  
 62 Begin at a point at the South right-of-way line of  
 63 East Commercial Boulevard and the West right-of-way  
 64 line of N.E. 6 Avenue, said point being on the  
 65 municipal boundary of the City of Oakland Park, as  
 66 established by Chapter 79-519, Laws of Florida;

67  
 68 Thence continuing along said municipal boundary the  
 69 following 12 courses:

70  
 71 Thence Southerly along the West right-of-way line of  
 72 N.E. 6 Avenue to a point 100.19 feet South of the  
 73 South right-of-way line of N.E. 46 Street;

74  
 75 Thence Westerly along the North line of SEMINOLE  
 76 WAREHOUSE PLAT ADDITION, Plat Book 39, Page 32,  
 77 Broward County Records, for 305.80 feet;

78

79 | Thence Southerly along the West line of said SEMINOLE  
 80 | WAREHOUSE PLAT ADDITION, and SEMINOLE WAREHOUSE PLAT,  
 81 | Plat Book 38, Page 8, of the Broward County Records,  
 82 | to a point 75 feet North of the North right-of-way  
 83 | line of N.E. 44 Street;

84 |  
 85 | Thence West parallel with the North right-of-way line  
 86 | of N.E. 44 Street to a point on the West right-of-way  
 87 | line of N.E. 5 Avenue;

88 |  
 89 | Thence North along the West right-of-way line of N.E.  
 90 | 5 Avenue to a point being 100 feet North of the North  
 91 | right-of-way line of N.E. 44 Street;

92 |  
 93 | Thence West along a line parallel with and 100 feet  
 94 | North of the North right-of-way line of N.E. 44  
 95 | Street, to the N.W. corner of Lot 46, Block 9, NORTH  
 96 | ANDREWS GARDENS SECOND ADDITION, Plat Book 31, Page  
 97 | 39, Broward County Records;

98 |  
 99 | Thence Northerly to the N.E. corner of Lot 11, Block  
 100 | 8, of said NORTH ANDREWS GARDENS SECOND ADDITION;

101 |  
 102 | Thence Westerly along the North line of said Lot 11,  
 103 | Block 8, to the East right-of-way line of N.E. 1  
 104 | Terrace;

105 |

106 Thence Northerly along said East right-of-way line to  
 107 the North right-of-way line of N.E. 45 Street;

108  
 109 Thence Westerly along said North right-of-way line to  
 110 the West right-of-way line of N.W. 3 Avenue;

111  
 112 Thence Southerly to a point 110 feet South of the  
 113 South right-of-way line of N.W. 45 Street;

114  
 115 Thence Westerly to the Easterly right-of-way line of  
 116 Interstate 95, said point being on the municipal  
 117 boundary of the City of Oakland Park, as established  
 118 by Chapter 83-476, Laws of Florida;

119  
 120 Thence Northerly along said Easterly right-of-way line  
 121 and said municipal boundary to a point on the South  
 122 line of Parcel A, STILES-BENTON PLAT, according to the  
 123 plat thereof, as recorded in Plat Book 155, Page 34,  
 124 of the Public Records of Broward County, Florida, said  
 125 point being on the municipal boundary of the City of  
 126 Fort Lauderdale, as established by Ordinance No. C-94-  
 127 41;

128  
 129 Thence East, South, East and Northeast along the  
 130 Southerly line of said Parcel A to a point on the  
 131 Easterly right-of-way line of Interstate 95, said  
 132 point being on the municipal boundary of the City of

133 Oakland Park, as established by the aforesaid Chapter  
 134 83-476, Laws of Florida;

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

143  
 144 Thence Southerly, along the West limits of said HARRAH  
 145 PLAT and said municipal boundary, for a distance of  
 146 299.15 feet to the Southwest corner of said HARRAH  
 147 PLAT;

148  
 149 Thence Easterly, along the South line of said HARRAH  
 150 PLAT and said municipal boundary, for a distance of  
 151 633.25 feet to the West right-of-way line of Northeast  
 152 9 Avenue, said point being on the municipal boundary  
 153 of the City of Oakland Park, as established by  
 154 Chapter 75-452, Laws of Florida;

155  
 156 Thence along said municipal boundary the following 5  
 157 courses:

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159 Thence Southerly, along said West right of way line,  
 160 to a point 100 feet North of the North right-of-way  
 161 line of Northeast 58 Court;

162  
 163 Thence Easterly for a distance of 400 feet;

164  
 165 Thence Southerly to the North right-of-way line of  
 166 Northeast 58 Street;

167  
 168 Thence Westerly to the West right-of-way line of  
 169 Northeast 9 Avenue;

170  
 171 Thence Southerly, along said West right of way line,  
 172 to the North right-of-way line of Northeast 56 Street,  
 173 said point being on the municipal boundary of the City  
 174 of Oakland Park, as established by Ordinance No. 562;

175  
 176 Thence Westerly, along said North right of way line  
 177 and said municipal boundary, to the West right-of-way  
 178 line of Northeast 6 Avenue;

179  
 180 Thence Southerly, along said West right of way line  
 181 and said municipal boundary, to the POINT OF  
 182 BEGINNING.

183  
 184 Section 4. Upon a majority of the registered voters  
 185 residing in the North Andrews Gardens area voting for annexation  
 186 into the City of Fort Lauderdale or the City of Oakland Park,

187 the North Andrews Gardens area described in section 3 shall be  
 188 deemed a part of said municipality on September 15, 2005,  
 189 pursuant to section 171.062, Florida Statutes, except as  
 190 provided for in this act.

191 Section 5. An interlocal agreement shall be developed  
 192 between the governing bodies of Broward County and the annexing  
 193 municipality and executed prior to the effective date of the  
 194 annexation. The agreement shall address infrastructure  
 195 improvement projects and include a financially feasible plan for  
 196 transitioning county services, buildings, infrastructure,  
 197 waterways, and employees.

198 Section 6. Upon annexation into the municipality, the  
 199 following shall govern the areas described in section 3:

200 (1) The present land use designations and zoning districts  
 201 provided for under the Broward County Comprehensive Plan and  
 202 Code of Ordinances of Broward County shall remain the law  
 203 governing the North Andrews Gardens area, notwithstanding the  
 204 fact that the North Andrews Gardens area is now a part of a  
 205 municipality.

206 (2) Any change of zoning districts or land use  
 207 designations may only be accomplished by enactment of the vote  
 208 of the majority of the full governing body of the municipality  
 209 plus one.

210 (3) Notwithstanding subsections (1) and (2), any use,  
 211 building, or structure that is legally in existence at the time  
 212 that the North Andrews Gardens area becomes a part of the  
 213 municipality shall not be made a prohibited use by the



214 municipality, on the property of said use, for as long as the  
 215 use shall continue, and not be voluntarily abandoned.

216 Section 7. Subsequent to the effective date of this act,  
 217 no change in land use designation or zoning shall be effective  
 218 within the limits of the lands subject to annexation herein  
 219 until the North Andrews Gardens area has been annexed into the  
 220 municipality; no annexation within the North Andrews Gardens  
 221 area by any municipality shall occur during the time period  
 222 between the effective date of this act and the effective date of  
 223 the annexation.

224 Section 8. Any resident in the area to be annexed by this  
 225 act into the City of Fort Lauderdale or the City of Oakland Park  
 226 shall be deemed to have met any residency requirements for  
 227 candidacy for any municipal office.

228 Section 9. Nothing in this chapter shall be construed to  
 229 affect or abrogate the rights of parties to any contracts,  
 230 whether the same be between Broward County and a third party or  
 231 between nongovernmental entities, which contracts are in effect  
 232 prior to the effective date of the annexation.

233 Section 10. All public roads and the public rights-of-way  
 234 associated therewith, on the Broward County Road System, lying  
 235 within the limits of the lands subject to annexation herein, as  
 236 described in section 3, are transferred from Broward County  
 237 jurisdiction to the jurisdiction of the annexing municipality,  
 238 except for Andrews Avenue. All rights, title, interests, and  
 239 responsibilities for any transferred roads, including, but not  
 240 limited to, the ownership, operation, maintenance, planning,  
 241 design, and construction of said roads and to the rights-of-way

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242 | associated therewith, shall transfer from Broward County  
243 | jurisdiction and ownership to the jurisdiction and ownership of  
244 | the annexing municipality upon the effective date of the  
245 | annexation.

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