

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 specified
 in section 1 informs the Broward County Legislative Delegation
 and the Broward County Board of County Commissioners that it
 desires to appear on the ballot, the Broward County Board of
 County Commissioners shall schedule an election on August 31,
 2004, at the cost of Broward County, in accordance with the

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

87
 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
 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
 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;

174
 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. Upon a majority of the registered voters
 180 residing in the North Andrews Gardens area voting for annexation
 181 into the City of Fort Lauderdale or the City of Oakland Park,
 182 the North Andrews Gardens area described in section 3 shall be
 183 deemed a part of said municipality on September 15, 2005,
 184 pursuant to section 171.062, Florida Statutes, except as
 185 provided for in this act.

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

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

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

201 (2) Any change of zoning districts or land use
 202 designations may only be accomplished by enactment of the vote
 203 of the majority of the full governing body of the municipality
 204 plus one.

205 (3) Notwithstanding subsections (1) and (2), any use,
 206 building, or structure that is legally in existence at the time
 207 that the North Andrews Gardens area becomes a part of the
 208 municipality shall not be made a prohibited use by the
 209 municipality, on the property of said use, for as long as the
 210 use shall continue, and not be voluntarily abandoned.

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

219 Section 8. Any resident in the area to be annexed by this
 220 act into the City of Fort Lauderdale or the City of Oakland Park

221 shall be deemed to have met any residency requirements for
222 candidacy for any municipal office.

223 Section 9. Nothing in this chapter shall be construed to
224 affect or abrogate the rights of parties to any contracts,
225 whether the same be between Broward County and a third party or
226 between nongovernmental entities, which contracts are in effect
227 prior to the effective date of the annexation.

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

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