

ENROLLED
HB 1487, 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; providing for annexation of the unincorporated area known as Rock Island; providing for an election; providing for an effective date of annexation; providing for an 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 "Rock Island Area" is as follows:

That portion of Sections 28 and 29, Township 49 South, Range 42 East, Broward County, Florida, described as follows:

Beginning at a point on the municipal boundary of the City of Fort Lauderdale, as established by Chapter 69-1057, Laws of Florida, being the intersection of the North Right of way line of NW 19 Street with the West right-of-way line of the Seaboard Coastline Railroad;

thence along said municipal boundary of the City of Fort Lauderdale, the following 7 courses;

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thence westerly along said North right-of-way line of
NW 19 Street to the Southeast corner of Lot 1, Block 1
of "North West Lauderdale," as recorded in Plat Book
25, Page 25, of the Public Records of Broward County,
Florida;

thence Northerly to the Northeast corner of Lot 4 in
said Block 1;

thence Westerly to the Northwest corner of said Lot 4;

thence Southerly to the Southwest corner of said Lot 1
and the North right-of-way line of NW 19 Street;

thence Westerly along said North right-of-way line to
the East right-of-way line of NW 31 Avenue;

thence Northerly along said East right-of-way line to
the North boundary of the South one-half (S 1/2) of
the South one-half (S 1/2) of the Southwest one-
quarter (SW 1/4) of said Section 29;

thence Westerly along said North boundary to the West
line of said Section 29;

thence along the municipal boundary of the City of
Lauderdale Lakes, as established by Ordinance 40, of

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the City of Lauderdale Lakes, the following three (3) courses:

thence North along said West line to the South line of the Southwest one-quarter (SW 1/4) of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 29;

thence East along said South line to the Southeast corner of said Southwest one-quarter (SW 1/4) of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4);

thence North along the East line of said Southwest one-quarter (SW 1/4) of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4) to a line 35.00 feet north of and parallel with the South line of the North one-half (N 1/2) of said Section 29, also being a point on the municipal boundary of the City of Oakland Park, as established by Ordinance 477, of the City of Oakland Park;

thence along said municipal boundary of the City of Oakland Park and along said parallel line to a line 100.00 feet west of and parallel with the East line of the West one-half (W 1/2) of the West one-half (W 1/2) of the Southwest one-quarter (SW 1/4) of the Northeast one-quarter (NE 1/4) of said Section 29;

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thence along the municipal boundary of the City of Oakland Park, as established by Chapter 79-519, Laws of Florida, the following four (4) courses:

thence South along said parallel line, also being a line 270.00 feet West of the West right-of-way line of NW 26 Avenue, to the South right-of-way line of NW 26 Street;

thence Easterly along said South right-of-way line to the East right-of-way line of NW 21 Avenue;

thence North along said East right-of-way line to the South line of the Northwest one-quarter (NW 1/4) of said Section 28;

thence East along said South line to the West right-of-way line of the Seaboard Coastline Railroad;

thence along the municipal boundary of the City of Oakland Park, as established by Chapter 83-476, Laws of Florida, and Southwesterly along said West 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 the provisions of the law relating to elections currently in force

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in Broward County on November 2, 2004. The subject of said election shall be the annexation of the Rock Island Area. Only registered voters residing in the Rock Island Area as described in this act may vote in said election. On the ballot provided for in this section shall appear the City of Fort Lauderdale. The voters residing in the Rock Island Area shall, by majority vote of the voters participating in the election, choose whether to join that city 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 3. Upon a majority of the registered voters residing in the Rock Island Area voting for annexation into the City of Fort Lauderdale, the Rock Island Area described in section 1 shall be deemed a part of said municipality on September 15, 2005, or September 15, 2006, 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 financially feasible plan for transitioning county services, buildings, infrastructure, waterways, and employees.

Section 5. Upon annexation into a 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

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governing the Rock Island Area, notwithstanding the fact that the Rock Island 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 Rock Island 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 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 Rock Island Area has been annexed into the municipality; no annexation within the Rock Island Area by any municipality shall occur during the time period between the effective date of this act and the effective date of the annexation.

Section 7. Any resident in the area to be annexed by this act into the City of Fort Lauderdale shall be deemed to have met any residency requirements for candidacy.

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.

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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, except NW 31 Avenue and NW 21 Avenue, lying within the limits of the annexation area. 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.