

By Senator Campbell

32-2600-04

See CS/HB 1391

1                                   A bill to be entitled

2           An act relating to Broward County; providing

3           for extending the corporate limits of the City

4           of Lauderdale Lakes or the City of Lauderhill;

5           providing for annexation of the unincorporated

6           area known as Boulevard Gardens; providing for

7           an election; providing for an effective date of

8           annexation; providing for an interlocal

9           agreement; providing for a continuation of

10          certain Broward County regulations; providing

11          for the transfer of public roads and

12          rights-of-way; providing an effective date.

13

14           WHEREAS, the Legislature understands that the Boulevard

15   Gardens area is not contiguous to either the City of

16   Lauderdale Lakes or the City of Lauderhill but that the

17   Boulevard Gardens area is part of the metropolitan Broward

18   County area and that Broward County desires to have all areas

19   of unincorporated Broward County annexed into one of the 30

20   municipalities within Broward County for municipal services

21   and that both the City of Lauderdale Lakes and the City of

22   Lauderhill are readily accessible to the area for municipal

23   services, NOW, THEREFORE,

24

25   Be It Enacted by the Legislature of the State of Florida:

26

27           Section 1. No later than July 1, 2004, the governing

28   bodies of the municipalities of the City of Lauderdale Lakes

29   and the City of Lauderhill, after having considered the

30   effects of annexation on the residents of both the Boulevard

31   Gardens area, as hereinafter described, and on the respective

1 municipality, shall inform the Broward County Legislative  
2 Delegation and the Broward County Board of County  
3 Commissioners of their desire to appear on the ballot as  
4 provided for in this act.

5       Section 2. If at least one of the municipalities  
6 informs the Broward County Legislative Delegation and the  
7 Broward County Board of County Commissioners that it desires  
8 to appear on the ballot as provided for in section 1, the  
9 Broward County Board of County Commissioners shall schedule an  
10 election on November 2, 2004, in accordance with the  
11 provisions of law relating to elections currently in force in  
12 Broward County. The subject of such election shall be the  
13 annexation of the Boulevard Gardens area. Only registered  
14 voters residing in the Boulevard Gardens area as described in  
15 this act may vote in such election. On the ballot provided for  
16 in this section shall appear the name of each municipality  
17 which shall have informed the Broward County Legislative  
18 Delegation and the Broward County Board of County  
19 Commissioners that it desires to appear on the ballot as  
20 provided for in section 1. The voters residing in the  
21 Boulevard Gardens area shall, by majority vote of the voters  
22 participating in the election, choose to be annexed by one  
23 municipality effective September 15, 2005. In the event only  
24 one municipality shall have informed the Broward County  
25 Legislative Delegation and the Broward County Board of County  
26 Commissioners that it desires to appear on the ballot as  
27 provided for in section 1, the voters residing in the  
28 Boulevard Gardens area shall, by majority vote of the voters  
29 participating in the election, choose whether to join that  
30 municipality on September 15, 2005, or September 15, 2006. A  
31

1 mail ballot shall not be used in this election. However,  
2 voters may vote by absentee ballot as provided by law.

3 Section 3. The legal description of the Boulevard  
4 Gardens area is as follows:

5  
6 That portion of Section 5, Township 50 South,  
7 Range 42 East, Broward County, Florida,  
8 described as follows:

9  
10 Begin at the Northwest corner of the Southwest  
11 One-Quarter (SW 1/4) of said Section 5; thence  
12 Easterly along the North line of said Southwest  
13 One-Quarter (SW 1/4) to the Northwest corner of  
14 the Southeast One-Quarter (SE 1/4) of said  
15 Section 5;

16  
17 thence Easterly along the North line of said  
18 Southeast One-Quarter (SE 1/4) to a point of  
19 intersection with the West line of the East  
20 One-Half (E 1/2) of the East One-Half (E 1/2)  
21 of said Section 5, also being a point on the  
22 municipal boundary of the City of Fort  
23 Lauderdale, as established by Chapter 69-1057,  
24 Laws of Florida;

25  
26 thence Southerly along said West line and said  
27 municipal boundary to the point of intersection  
28 with the North line of THE R.E.B. PLAT, as  
29 recorded in Plat Book 74, Page 43, of the  
30 Public Records of Broward County, Florida, said  
31 point being on the municipal boundary of the

1           City of Fort Lauderdale, as established by  
2           Ordinance C-75-41 of the City of Fort  
3           Lauderdale;  
4  
5           thence continuing along said municipal boundary  
6           the following 3 courses;  
7  
8           thence Westerly along said North line for a  
9           distance of 608.50 feet to the P.R.M.  
10          (Permanent Reference Monument) at the Northwest  
11          corner of said THE R.E.B. PLAT;  
12  
13          thence Southeasterly along the arc of a curve  
14          to the right, having a radius of 308.16 feet, a  
15          central angle of 90°20'30", for an arc distance  
16          of 485.89 feet to the P.R.M. at the point of  
17          tangency;  
18  
19          thence Southerly along the West line of said  
20          THE R.E.B. PLAT for a distance of 40.00 feet to  
21          the P.R.M. at the Southwest corner of said  
22          plat, said point being on the municipal  
23          boundary of the City of Fort Lauderdale, as  
24          established by Ordinance C-00-72 of the City of  
25          Fort Lauderdale;  
26  
27          thence continuing along said municipal boundary  
28          the following 3 courses;  
29  
30          thence Southerly along the Easterly  
31          right-of-way line of NW 25 Avenue, a 50 foot

1           wide Road right of way, to the North line of  
2           the South 250 feet of the Southeast One-Quarter  
3           (SE 1/4) of said Section 5;

4  
5           thence Easterly along said North line to the  
6           East line of the West 100 feet of the East  
7           820.76 feet of the West 1,860.75 feet of said  
8           Southeast One-Quarter (SE 1/4);

9  
10          thence Southerly along said East line to the  
11          North right-of-way line of Broward Boulevard;

12  
13          thence Westerly along said North right-of-way  
14          line and along the municipal boundary of the  
15          City of Fort Lauderdale, as established by  
16          Chapter 69-1057, Laws of Florida, to the West  
17          line of the Southwest One-Quarter (SW 1/4) of  
18          said Section 5;

19  
20          thence Northerly along said West line to the  
21          POINT OF BEGINNING.

22  
23          Section 4. An interlocal agreement shall be developed  
24          between the governing bodies of Broward County and the  
25          annexing municipality and executed prior to the effective date  
26          of the annexation as provided for in section 2. The agreement  
27          shall address infrastructure improvement projects and include  
28          a financially feasible plan for transitioning county services,  
29          buildings, infrastructure, waterways, and employees.

30          Section 5. Upon annexation into the municipality, the  
31          following shall govern the areas described in section 3:

1           (1) The present land use designations and zoning  
2 districts provided for under the Broward County Comprehensive  
3 Plan and Code of Ordinances of Broward County shall remain the  
4 law governing the Boulevard Gardens area, notwithstanding the  
5 fact that the Boulevard Gardens area is now a part of a  
6 municipality.

7           (2) Any change of zoning districts or land use  
8 designations may only be accomplished by enactment of the vote  
9 of the majority of the full governing body of the municipality  
10 plus one.

11           (3) Notwithstanding subsections (1) and (2), any use,  
12 building, or structure that is legally in existence at the  
13 time that the Boulevard Gardens area becomes a part of the  
14 municipality shall not be made a prohibited use by the  
15 municipality, on the property of said use, for as long as the  
16 use shall continue, and not be voluntarily abandoned.

17           Section 6. Subsequent to the effective date of this  
18 act, no change in land use designation or zoning shall be  
19 effective within the limits of the lands subject to annexation  
20 herein until the Boulevard Gardens area has been annexed into  
21 the municipality; no annexation within the Boulevard Gardens  
22 area by any municipality shall occur during the time period  
23 between the effective date of this act and the effective date  
24 of the annexation.

25           Section 7. Subsequent to the effective date of the  
26 annexation, any resident in the area to be annexed by this act  
27 into the City of Lauderdale Lakes or the City of Lauderhill  
28 shall be deemed to have met any residency requirements for  
29 candidacy for any municipal office.

30           Section 8. Nothing in this chapter shall be construed  
31 to affect or abrogate the rights of parties to any contracts,

1 whether the same be between Broward County and a third party  
2 or between nongovernmental entities, which contracts are in  
3 effect prior to the effective date of the annexation.

4       Section 9. All public roads, including bridge 860179,  
5 and the public rights-of-way associated therewith, on the  
6 Broward County Road System, lying within the limits of the  
7 lands subject to annexation herein, as described in section 3,  
8 are transferred from Broward County jurisdiction to the  
9 jurisdiction of the annexing municipality, except for those  
10 portions of NW 31 Avenue and NW 27 Avenue. All rights, title,  
11 interests, and responsibilities for any transferred roads,  
12 including, but not limited to, the ownership, operation,  
13 maintenance, planning, design, and construction of said roads  
14 and to the rights-of-way associated therewith shall transfer  
15 from Broward County jurisdiction and ownership to the  
16 jurisdiction and ownership of the annexing municipality upon  
17 the effective date of the annexation.

18       Section 10. This act shall take effect upon becoming a  
19 law.