

By Senator Campbell

32-2601-04

See CS/HB 1393

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A bill to be entitled

An act relating to Broward County; providing for extending the corporate limits of the Town of Davie, the City of Fort Lauderdale, or the City of Plantation; providing for annexation of the unincorporated area known as Broadview Park; 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 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 body of the municipalities of the Town of Davie, the City of Fort Lauderdale, and the City of Plantation, after having considered the effects of annexation on the residents of both the "Broadview Park 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. 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 in Broward County on November 2, 2004. The subject of said election shall be the annexation of the Broadview Park Area. Only registered voters residing in the Broadview Park

1 Area as described in section 3 may vote in said election. On
2 the ballot provided for in this section shall appear the name
3 of each municipality which shall have informed the Broward
4 County Legislative Delegation that it desires to appear on the
5 ballot as provided for in section 1. The voters residing in
6 the Broadview Park Area shall, by plurality vote of the voters
7 participating in the election, choose to be annexed by one
8 municipality effective September 15, 2005. In the event only
9 one municipality shall have informed the Broward County
10 Legislative Delegation that it desires to appear on the ballot
11 as provided for in section 1, the voters residing in the
12 Broadview Park Area shall, by majority vote of the voters
13 participating in the election, choose whether to be annexed by
14 that city on September 15, 2005, or September 15, 2006. A mail
15 ballot shall not be used in this election. However, voters may
16 vote by absentee ballot as provided by law.

17 Section 3. The "Broadview Park Area" is described as:

18
19 That portion of Sections 13, 14, 23 and 24,
20 Township 50 South, Range 41 East and Section
21 18, Township 50 South, Range 42 East, Broward
22 County, Florida, described as follows:

23
24 Beginning at a point on the boundary of the
25 City of Plantation established by Chapter
26 68-101 Laws of Florida, being the Southeast
27 corner of Tract 1, Tier 24, according to
28 Newman's Survey of Section 14, Township 50
29 South, Range 41 East, as recorded in Plat Book
30 2, Page 26, Public Records of Dade County,
31 Florida;

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2 thence continuing along the said boundary of
3 the City of Plantation the following 6 courses;
4
5 thence Northeasterly along the East line of
6 said Tier 24, to the North line of said Section
7 13;
8
9 thence East along the said North line of
10 Section 13 to a point of intersection with the
11 Northerly extension of the Westerly line of
12 Block 3, as shown by the plat of LAUDERDALE
13 HIGHLANDS as recorded in Plat Book 12, at Page
14 37, Public Records of Broward County, Florida;
15
16 thence Southwesterly along the Westerly line of
17 said Block 3 and its Northerly extension
18 thereof, to the Southwesterly corner of Lot 11
19 of said Block 3;
20
21 thence Easterly along the Southerly line of
22 said Lot 11 and its Easterly extension thereof,
23 to a point of intersection with the Easterly
24 right-of-way line of Highland Avenue, as shown
25 by said plat of LAUDERDALE HIGHLANDS;
26
27 thence Southwesterly along the Easterly
28 right-of-way line of said Highland Avenue to a
29 point of intersection with the South line of
30 Block 1, as shown by said plat of LAUDERDALE
31 HIGHLANDS;

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2 thence Easterly along the South line of said
3 Block 1 and its Easterly extension thereof to a
4 point of intersection with the East
5 right-of-way line of State Road No. 7, as
6 described in City of Fort Lauderdale annexing
7 Resolution No. 8519;
8
9 thence Southerly along the said east
10 right-of-way line to the North right-of-way
11 line of Riverland Road and the boundary of the
12 Town of Davie as described in Chapter 84-420,
13 Laws of Florida;
14
15 thence continuing along said boundary of the
16 Town of Davie the following 10 courses;
17
18 thence Westerly along the Westerly prolongation
19 of the said North right-of-way line to the West
20 right-of-way line of State Road No. 7;
21
22 thence Southerly along said West right-of-way
23 line to a point of intersection with a line 300
24 feet North of the Southerly line of Tract 2,
25 Tier 4, of said Newman's Survey, as measured
26 along the said Westerly right-of-way line;
27
28 thence Northwesterly to a point on the Easterly
29 right-of-way line of Southwest 41st Avenue,
30 being 298.34 feet Northerly from the Southwest
31 corner of said Tract 2, Tier 4;

1
2 thence Westerly to a point of intersection of
3 the West right-of-way line of Southwest 41st
4 Avenue with the North line of said Section 24;
5
6 thence Southwesterly along the said West
7 right-of-way line to the centerline of North
8 New River Canal;
9
10 thence Southeasterly along said centerline to
11 the Westerly right-of-way line of State Road
12 No. 7;
13
14 thence Southwesterly along said West
15 right-of-line to the South bank of the North
16 New River Canal;
17
18 thence Northwesterly along said South bank to
19 the Northerly extension of the West line of the
20 East One-Half of Tract 1, Tier 7 of said
21 Newman's Survey;
22
23 thence Southwesterly along said Northerly
24 extension to the Northwest corner of the said
25 East One-Half of Tract 1, Tier 7, also being on
26 the South right-of-way line of North New River
27 Canal;
28
29 thence Northwesterly along the said Southerly
30 right-of-way line to the Easterly line of Tier
31 21 of said Newman's Survey;

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thence Northwesterly, continuing on the boundary of the Town of Davie, along the said Southerly right-of-way line to the intersection with the Southwesterly extension of the East line of the aforesaid Tract 1, Tier 24;

thence Northeasterly along said Southwesterly extension to the POINT OF BEGINNING.

Section 4. If the unincorporated area described in section 3 is annexed by either the Town of Davie or the City of Plantation, the additional area described in section 5 shall be included in the annexation.

Section 5. The additional area shall be described as:

That portion of Sections 7, 8, 14, 15, 16 and 17, Township 50 South, Range 41 East and Sections 2, 11 and 12, Township 50 South, Range 40 East, Broward County, Florida, described as follows:

Beginning at a point on the boundary of the City of Plantation established by Chapter 68-101, Laws of Florida, being the Southeast corner of Tract 1, Tier 24, according to Newman's Survey of Section 14, Township 50 South, Range 41 East, as recorded in Plat Book 2, Page 26, Public Records of Dade County, Florida;

1 thence Northwesterly along the North right of
2 way line of the North New River Canal and along
3 the boundary of the City of Plantation
4 established by said Chapter 68-101 and by
5 Ordinance 1008, Ordinance 568, and Ordinance
6 543, all as adopted by the City of Plantation,
7 to the intersection with the West line of said
8 Section 2;

9
10 thence Southerly along the said West line to
11 the South right of way line of the North New
12 River Canal, being a point on the boundary of
13 the Town of Davie established by Chapter
14 84-420, Laws of Florida;

15
16 thence Southeasterly along the said South right
17 of way line and along the boundary of the Town
18 of Davie established by said Chapter 84-420 and
19 by Ordinance 85-97, adopted by the Town of
20 Davie, to the intersection with the
21 Southwesterly extension of the East line of
22 Tier 24 of said Newman's Survey;

23
24 thence Northeasterly along the said
25 Southwesterly extension to the POINT OF
26 BEGINNING.

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28 Section 6. An interlocal agreement shall be developed
29 between the governing bodies of Broward County and the
30 annexing municipality and executed prior to the effective date
31 of the annexation. The agreement shall address infrastructure

1 improvement programs and include a financially feasible plan
2 for transitioning county services, buildings, infrastructure,
3 waterways, and employees.

4 Section 7. Upon annexation into the municipality, the
5 following shall govern the areas described in sections 3 and
6 5:

7 (1) The present land use designations and zoning
8 districts provided for under the Broward County Comprehensive
9 Plan and Code of Ordinances of Broward County shall remain the
10 law governing the Broadview Park Area, notwithstanding the
11 fact that the Broadview Park Area is now a part of a
12 municipality.

13 (2) Any change of zoning districts or land use
14 designations may only be accomplished by enactment of the vote
15 of the majority of the full governing body of the municipality
16 plus one.

17 (3) Notwithstanding subsections (1) and (2), any use,
18 building, or structure that is legally in existence at the
19 time that the Broadview Park Area becomes a part of the
20 municipality shall not be made a prohibited use by the
21 municipality, on the property of said use, for as long as the
22 use shall continue, and not be voluntarily abandoned.

23 Section 8. Subsequent to the effective date of this
24 act, no change in land use designation or zoning shall be
25 effective within the limits of the lands subject to annexation
26 herein until the Broadview Park Area has been annexed into the
27 municipality; no annexation within the Broadview Park Area by
28 any municipality shall occur during the time period between
29 the effective date of this act and the effective date of the
30 annexation.

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1 Section 9. Subsequent to the effective date of the
2 annexation, any resident in the area to be annexed by this act
3 into the Town of Davie, the City of Fort Lauderdale, or the
4 City of Plantation shall be deemed to have met any residency
5 requirements for candidacy for municipal office.

6 Section 10. Nothing in this chapter shall be construed
7 to affect or abrogate the rights of parties to any contracts,
8 whether the same be between Broward County and a third party
9 or between nongovernmental entities, which contracts are in
10 effect prior to the effective date of the annexation.

11 Section 11. All public roads and the public
12 rights-of-way associated therewith, on the Broward County Road
13 System, including bridge structures 868303, 864024, 864022,
14 864096, and 864097, lying within the limits of the lands
15 subject to annexation herein, as described in either section 3
16 or section 5, are transferred from Broward County jurisdiction
17 to the jurisdiction of the annexing municipality, except for
18 those portions of Hiatus Road, Nob Hill Road, Pine Island
19 Road, and Davie Boulevard and that portion of Peters Road west
20 of the Peters Road/Davie Boulevard intersection lying within
21 the limits of the annexation area. All rights, title,
22 interests, and responsibilities for any transferred roads,
23 including, but not limited to, the ownership, operation,
24 maintenance, planning, design, and construction of said roads,
25 and to the rights-of-way associated therewith, shall transfer
26 from Broward County jurisdiction and ownership to the
27 jurisdiction and ownership of the annexing municipality upon
28 the effective date of the annexation.

29 Section 12. This act shall take effect upon becoming a
30 law.
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