

By Senator Campbell

32-2604-04

See CS/HB 1395

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A bill to be entitled

An act relating to Broward County; providing for extending the corporate limits of the City of Lauderdale Lakes, the City of Lauderhill, and the City of Plantation; providing for annexation of the unincorporated area known as Broward Estates; 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 for effective date.

WHEREAS, the Legislature understands that the Broward Estates Area is not contiguous to either the City of Lauderdale Lakes or the City of Lauderhill, and

WHEREAS, the Broward Estates area is part of the metropolitan Broward County area and Broward County desires to have all areas of unincorporated Broward County annexed into one of the thirty municipalities within Broward County for municipal services, and

WHEREAS, both the City of Lauderdale Lakes and the City of Lauderhill are readily accessible to the area for municipal services, NOW, THEREFORE,

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

Section 1. No later than July 1, 2004, each of the governing bodies for the City of Lauderdale Lakes, the City of Lauderhill, and the City of Plantation, after having

1 considered the effects of annexation on the residents of both
2 the Broward Estates area, as hereinafter described, and on the
3 respective municipality shall inform the Broward County
4 Legislative Delegation and the Broward County Board of County
5 Commissioners of its desire to appear on the ballot as
6 provided for in this act.

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

1 that municipality on September 15, 2005, or September 15,
2 2006. A mail ballot shall not be used in this election.
3 However, voters may vote by absentee ballot as provided by
4 law.

5 Section 3. Legal description of the Broward Estates
6 Area:

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

11
12 Beginning at a point on the municipal boundary
13 of the City of Plantation, established by
14 Chapter 68-101, Laws of Florida, being at the
15 intersection of the South line of said Section
16 6 with the Southerly prolongation of the
17 centerline of NW 38th Way, as shown by the
18 plat of BROWARD ESTATES Section 2, as recorded
19 in Plat Book 34, Page 19, Public Records of
20 Broward County, Florida,

21
22 thence continuing along said municipal boundary
23 the following 10 courses;

24
25 thence North along the said Southerly
26 prolongation of the centerline of NW 38th Way
27 to an intersection with
28 the North right-of-way line
29 of Broward Boulevard,
30 said North right-of-way line being 50 feet
31

1 North of and parallel to the South line of said
2 Section 6;
3
4 thence Easterly along the said North
5 right-of-way line of Broward Boulevard to the
6 Southeast corner of Tract E, as shown by said
7 BROWARD ESTATES Section 2;
8
9 thence Northerly along the East line of said
10 Tract E to the Northeast corner of said Tract
11 E;
12
13 thence Westerly along the North line of Tracts
14 D and E, as shown by said BROWARD ESTATES
15 Section 2, and its Westerly prolongation
16 thereof to a point of intersection with the
17 centerline of NW 38th Way, as shown by said
18 BROWARD ESTATES, Section 2;
19
20 thence Northwesterly along the centerline of
21 said NW 38th Way to a point of intersection
22 with the Southerly prolongation of the West
23 line of Block 13, as shown by said BROWARD
24 ESTATES Section 2;
25
26 thence Northerly along the West line of Block
27 13 and its Southerly prolongation thereof, to
28 the North line of said BROWARD ESTATES Section
29 2;
30
31

1 thence Westerly along the said North line
2 of BROWARD ESTATES Section 2 for a distance
3 of 40 feet;
4
5 thence Northerly along a line 230 feet East of
6 and parallel to the West line of said Section
7 6, to the Westerly prolongation of the North
8 right-of-way line of NW 5th Street, as shown by
9 plat of GREENLEAF, as recorded in Plat Book 42,
10 at Page 9, Public Records of Broward County,
11 Florida;
12
13 thence Westerly along said Westerly
14 prolongation for a distance of 5 feet;
15
16 thence Northerly along a line 225 feet East of
17 and parallel to the West line of said Section 6
18 to the Westerly prolongation of the North
19 right-of-way line of NW 7th Street, as shown by
20 plat of ACADEMY AWARD HOMES Section 3, as
21 recorded in Plat Book 45, at Page 17 Public
22 Records of Broward County, Florida;
23
24 thence Easterly and Southeasterly along the
25 said North right-of-way line and the Easterly
26 prolongation thereof to the Northwest corner
27 of lot 3, Block 5, as shown by the plat of
28 TROPICANA PARK HOMES, as recorded in Plat Book
29 46, Page 17, Public Records of Broward County,
30 Florida;
31

1 thence East along the North line of said Lot 3
2 to the Northeast corner thereof;
3
4 thence East to the Northwest corner of Lot 6,
5 Block 27, as shown by the plat of NEW
6 BROWARDALE, as recorded in Plat Book 47, Page
7 14, Public Records of Broward County, Florida;
8
9 thence East along the North line of said Lot 6
10 to the Northeast corner thereof being on the
11 West right-of-way line of NW 34th Terrace, as
12 shown by said plat of NEW BROWARDALE;
13
14 thence North along the said West right-of-way
15 line to the point of curvature of a curve
16 concave to the Southeast, having a radius of 85
17 feet;
18
19 thence North through East along said curve to
20 the point of tangency with the North
21 right-of-way line of NW 7th Street, as shown by
22 said plat of NEW BROWARDALE;
23
24 thence East along the said North right-of-way
25 line and the Easterly prolongation thereof to
26 the centerline of NW 34th Avenue;
27
28 thence East along the North right-of-way line
29 of NW 7th Street and the Westerly prolongation
30 thereof, to the point of curvature of a curve
31

1 concave to the Northwest, having a radius of 25
2 feet;
3
4 thence East through North along the arc of said
5 curve to the point of tangency with the West
6 right-of-way line of NW 33rd Terrace, as shown
7 by BROWARDALE 2ND ADDITION AMENDED PLAT, as
8 recorded in Plat Book 47, Page 23, Public
9 Records of Broward County, Florida;
10
11 thence East to the Northwest corner of Lot 1,
12 Block 32, as shown by the said BROWARDALE 2ND
13 ADDITION AMENDED PLAT;
14
15 thence East along the North line of said Lot 1
16 to the Northeast corner thereof;
17
18 thence Easterly to the Northwest corner of Lot
19 16, Block 31, as shown by the said BROWARDALE
20 2ND ADDITION AMENDED PLAT;
21
22 thence East along the North line of said Lot 16
23 to the Northeast corner thereof;
24
25 thence East to the Northwest corner of Lot 16,
26 Block 30, as shown by said BROWARDALE 2ND
27 ADDITION AMENDED PLAT;
28
29 thence East along the North line of said Lot
30 16, Block 30 to the Northeast corner thereof;
31

1 thence South along the East line of said Lot
2 16, Block 30 to a point of intersection with
3 the North line of the Southeast One-Quarter (SE
4 1/4), of the Southeast One-Quarter (SE 1/4), of
5 the Northeast One-Quarter (NE 1/4) of said
6 Section 6;
7
8 thence East along said North line to the East
9 line of said Section 6;
10
11 thence South along said East line to the North
12 right-of-way line of West Broward Boulevard and
13 the boundary of the City of Fort Lauderdale as
14 described in Chapter 69-1057, Laws of Florida;
15
16 thence continuing along said municipal boundary
17 the following 2 courses;
18
19 thence West along said North right-of-way line
20 to the Northerly extension of the West
21 right-of-way line of SW 31st Avenue;
22
23 thence South along said Northerly extension to
24 a point on the South line of said Section 6,
25 said point being on the municipal boundary of
26 the City of Fort Lauderdale, as established by
27 Chapter 2001-291, Laws of Florida;
28
29 thence West along said South line and municipal
30 boundary to the POINT OF BEGINNING.
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1 Section 4. An interlocal agreement shall be developed
2 between the governing bodies of Broward County and the
3 annexing city and executed prior to the effective date of the
4 annexation. The agreement shall address infrastructure
5 improvement projects and include a financially feasible plan
6 for transitioning county services, buildings, infrastructure,
7 waterways, and employees.

8 Section 5. The Board of County Commissioners of
9 Broward County is hereby authorized to set the election
10 provided for in section 2 by general election for the time
11 period provided in this act at the cost of Broward County.

12 Section 6. Upon annexation into the City of Lauderdale
13 Lakes, the City of Lauderhill, or the City of Plantation, the
14 following shall govern the areas described in section 3:

15 (1) The present land use designations and zoning
16 districts provided for under the Broward County Comprehensive
17 Plan and Code of Ordinances of Broward County shall remain the
18 law governing the Broward Estates area, notwithstanding the
19 fact that the Broward Estates area is now a part of a
20 municipality, until amended by majority vote plus one of the
21 governing body of the municipality.

22 (2) Any change of zoning districts or land use
23 designations may only be accomplished by enactment of the vote
24 of the majority of the full governing body of the municipality
25 plus one.

26 (3) Notwithstanding subsections (1) and (2), any use,
27 building, or structure that is legally in existence at the
28 time that the Broward Estates area becomes a part of the
29 municipality, said use shall not be made a prohibited use by
30 the municipality, on the property of said use, for as long as
31 the use shall continue, and not be voluntarily abandoned.

1 Section 7. Subsequent to the effective date of this
2 act, no change in land use designation or zoning shall be
3 effective within the limits of the lands subject to annexation
4 herein until the Broward Estates area has been annexed; no
5 annexation within the Broward Estates area by any municipality
6 shall occur during the time period between the effective date
7 of this act and the effective date of the annexation.

8 Section 8. Subsequent to the effective date of the
9 annexation, any resident in the area to be annexed by this act
10 into the City of Lauderdale Lakes, the City of Lauderhill, or
11 the City of Plantation shall be deemed to have met any
12 residency requirements for candidacy for municipal office.

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

18 Section 10. All public roads and the public
19 rights-of-way associated therewith on the Broward County Road
20 System, lying within the limits of the lands subject to
21 annexation herein, as described in section 3, are transferred
22 from Broward County jurisdiction to the jurisdiction of the
23 annexing municipality, except for those portions of Martin
24 Luther King, Jr. Avenue (NW 31 Avenue) lying within the limits
25 of the annexation area. All rights, title, interests, and
26 responsibilities for any transferred roads, including, but not
27 limited to, the ownership, operation, maintenance, planning,
28 design, and construction of said roads and to the
29 rights-of-way associated therewith shall transfer from Broward
30 County jurisdiction and ownership to the jurisdiction and
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1 ownership of the annexing municipality upon the effective date
2 of the annexation.

3 Section 11. This act shall take effect upon becoming a
4 law.

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