

By Senator Campbell

32-2605A-04

See CS/HB 1409

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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 Pompano Beach or the City of Deerfield
Beach; providing for annexation of the
unincorporated area known as the Pompano
Highlands; providing for an election; providing
for an effective date of annexation; providing
for 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 area referred
to in this act as the "Pompano Highlands Area" is as follows:

A portion of Sections 12 and 13, Township 48
South, Range 42 East; and a portion of Sections
7 and 18, Township 48 South, Range 43 East,
Broward County, Florida, described as follows:

BEGINNING at the intersection of the South
right-of-way line of SE 15 Street (NE 54
Street), being a point on the municipal
boundary of the City of Deerfield Beach, as
established by Chapter 70-647, Laws of Florida,
with the Westerly right-of-way line of Federal
Highway, State Road No.5 (U.S. No. 1), being a

1 point on the municipal boundary of the City of
2 Lighthouse Point, as established by Chapter
3 70-783, Laws of Florida,
4
5 THENCE Southwesterly along said Westerly
6 right-of-way line, as established by Chapter
7 70-783 and continuing Southwesterly along the
8 Westerly right-of-way line of Federal Highway,
9 State Road No. 5 (U.S. No. 1), also being along
10 the municipal boundary of the City of
11 Lighthouse Point, as established by Chapter
12 70-784, Laws of Florida, to the centerline of
13 NE 36 Street (Sample Road);
14
15 THENCE Westerly along said centerline also
16 being along the municipal boundary of the City
17 of Pompano Beach, as established by Chapter
18 2000-476, Laws of Florida to the East
19 right-of-way line of the Florida, East Coast
20 Railway;
21
22 THENCE Northeasterly along said East
23 right-of-way line, a portion of which is along
24 the municipal boundary of the City of Deerfield
25 Beach, as established by Chapter 99-471, Laws
26 of Florida, to the South line of Parcel "A",
27 MORGAN PLAT NO. 1, according to the plat
28 thereof as recorded in Plat Book 110, Page 42,
29 of the Public Records of Broward County,
30 Florida;
31

1 THENCE along the municipal boundary of the City
2 of Deerfield Beach, as established by Ordinance
3 1985/24, City of Deerfield Beach, the following
4 two (2) courses;

5
6 THENCE Easterly along the said South line of
7 Parcel "A" to the East line of said Parcel "A";

8
9 THENCE Northerly along said East line to the
10 intersection with the East right-of-way line of
11 NE 13th Way, as shown on said MORGAN PLAT NO.
12 1;

13
14 THENCE along the municipal boundary of the City
15 of Deerfield Beach, as established by Chapter
16 99-471, Laws of Florida, the following three
17 (3) courses;

18
19 THENCE Northerly along the said East
20 right-of-way line to the North line of Parcel
21 "B" of said MORGAN PLAT NO. 1;

22
23 THENCE Easterly along said North line to the
24 East line of said Parcel "B";

25
26 THENCE Northerly along the Northerly extension
27 of said East line to the South right-of-way
28 line of SW 15 Street (NE 54 Street), as
29 established by aforesaid Chapter 70-647, Laws
30 of Florida;

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1 THENCE Easterly along said South right-of-way
2 line to the POINT OF BEGINNING.

3
4 Section 2. The Broward County Board of County
5 Commissioners shall schedule an election in accordance with
6 provisions of the law relating to elections currently in force
7 in Broward County on August 31, 2004. The subject of said
8 election shall be the annexation of the Pompano Highlands
9 Area. Only registered voters residing in the Pompano Highlands
10 Area as described in this act may vote in said election. On
11 the ballot provided for in this section shall appear the name
12 of the City of Deerfield Beach and the City of Pompano Beach.
13 Voters residing in the Pompano Highlands Area shall by
14 majority vote of the voters participating in the election
15 choose one municipality for annexation. Mail ballots shall not
16 be used in this election; however, voters may vote by absentee
17 ballots as provided by law.

18 Section 3. Upon a majority of the registered voters
19 residing in the Pompano Highlands Area voting for annexation
20 into the City of Deerfield Beach or the City of Pompano Beach,
21 the Pompano Highlands Area described in section 1 shall be
22 deemed a part of said municipality on September 15, 2004,
23 pursuant to s. 171.062, Florida Statutes, except as provided
24 for in this act.

25 Section 4. An interlocal agreement shall be developed
26 between the governing bodies of Broward County and the
27 annexing municipality and executed prior to the effective date
28 of the annexation as provided for in section 3. The agreement
29 shall address infrastructure improvement projects and include
30 a financially feasible plan for transitioning county services,
31 buildings, infrastructure, waterways, and employees.

1 Section 5. Upon annexation into the municipality, the
2 following shall govern the areas described in section 1:

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

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

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

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

27 Section 7. Any resident in the area to be annexed by
28 this act into the City of Deerfield Beach or the City of
29 Pompano Beach shall be deemed to have met any residency
30 requirements for candidacy for municipal office.

31

1 Section 8. Nothing in this act shall be construed to
2 affect or abrogate the rights of parties to any contracts,
3 whether the same be between Broward County and a third party
4 or between nongovernmental entities, which contracts are in
5 effect prior to the effective date of the annexation.

6 Section 9. All public roads and the public
7 rights-of-way associated therewith on the Broward County Road
8 System, lying within the limits of the lands subject to
9 annexation herein, as described in section 1, are transferred
10 from Broward County jurisdiction to the jurisdiction of the
11 annexing municipality. All rights, title, interests, and
12 responsibilities for any transferred roads, including, but not
13 limited to, the ownership, operation, maintenance, planning,
14 design, and construction of said roads, and to the
15 rights-of-way associated therewith, shall transfer from
16 Broward County jurisdiction and ownership to the jurisdiction
17 and ownership of the annexing municipality upon the effective
18 date of the annexation.

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