

ENROLLED  
CS/HB 775

2009 Legislature

1                                   A bill to be entitled  
2           An act relating to the City of Tamarac, Broward County;  
3           extending and enlarging the corporate limits of the City  
4           of Tamarac to include specified unincorporated lands  
5           within such corporate limits; providing for an election;  
6           providing for an effective date of annexation; providing  
7           for an interlocal agreement; providing for governance of  
8           an annexed area; prohibiting land use designation or  
9           zoning changes and other annexations prior to subject  
10          annexation or defeat of annexation; providing  
11          applicability to candidacies for municipal office;  
12          providing for preservation of existing contracts;  
13          providing for transfer of public roads and rights-of-way;  
14          providing an effective date.

15  
16   Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. The legal description of the area referred to  
19 in this act is as follows:

20  
21           Prospect Field Road/N.W. 31st Avenue Annexation  
22           Boundary:

23  
24           A portion of Sections 8 and 17, Township 49 South,  
25           Range 42 East, Broward County, Florida, described as  
26           follows: BEGIN at the point of intersection of the  
27           North right of way line of Prospect Field Road with a  
28           line 264 feet East of and parallel with the West line

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29 | of said Section 8, said point being on the municipal  
30 | boundary of the City of Fort Lauderdale, as  
31 | established by Chapter 71-640, Laws of Florida; Thence  
32 | along said municipal boundary the following 3 courses;  
33 | Thence Easterly, along said North right of way line,  
34 | to the North line of said Section 17; Thence Easterly,  
35 | along said North line of Section 17, to the West line  
36 | of Lot 11 of, LITTLE FARMS, according to the plat  
37 | thereof, as recorded in Plat Book 27, Page 29 of the  
38 | Public Records of Broward County, Florida; Thence  
39 | Southerly, along said West line and the Southerly  
40 | prolongation thereof, to the centerline of Orange  
41 | Street as shown on said plat of, LITTLE FARMS, said  
42 | point being on the municipal boundary of the City of  
43 | Fort Lauderdale, as established by Ordinance No. C-87-  
44 | 10 of the City of Fort Lauderdale; Thence Southerly,  
45 | along the West line of Lot 30 of said plat and the  
46 | Northerly prolongation thereof and said municipal  
47 | boundary, to a point on the South line of the  
48 | Northwest One-Quarter (NW 1/4) of the Northwest One-  
49 | Quarter (NW 1/4) of the Northeast One-Quarter (NE 1/4)  
50 | of said Section 17, said point being on the municipal  
51 | boundary of the City of Tamarac, as established by  
52 | Ordinance No. 0-81-17 of the City of Tamarac. Thence  
53 | along said municipal boundary of the City of Tamarac  
54 | the following 3 courses; Thence Westerly, along said  
55 | South line, to the Southwest corner of the Northeast  
56 | One-Quarter (NE 1/4) of the Northeast One-Quarter (NE

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57 | 1/4) of the Northwest One-Quarter (NW 1/4) of said  
 58 | Section 17; Thence Southerly to the Southeast corner  
 59 | of the Southwest One-Quarter (SW 1/4) of the Northeast  
 60 | One-Quarter (NE 1/4) of the Northwest One-Quarter (NW  
 61 | 1/4) of said Section 17; Thence Westerly to the  
 62 | Southwest corner of the Southwest One-Quarter (SW 1/4)  
 63 | of the Northeast One-Quarter (NE 1/4) of the Northwest  
 64 | One-Quarter (NW 1/4) of said Section 17, said point  
 65 | being on the municipal boundary of the City of Fort  
 66 | Lauderdale, as established by Ordinance No. C-72-22 of  
 67 | the City of Fort Lauderdale; Thence along said  
 68 | municipal boundary the following 4 courses; Thence  
 69 | Westerly, along the South line of the Northwest One-  
 70 | Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4)  
 71 | of said Section 17, to the West line of said Section  
 72 | 17; Thence Northerly, along said West line, to the  
 73 | South line of the West 264 feet of the North One-Half  
 74 | (N 1/2) of the North One-Half (N 1/2) of the Northwest  
 75 | One-Quarter (NW 1/4) of the Northwest One-Quarter (NW  
 76 | 1/4) of said Section 17; Thence Easterly, along said  
 77 | South line, to the Southeast corner thereof;

78 |  
 79 | Thence Northerly, along the East line thereof, to the  
 80 | POINT OF BEGINNING.

81 |  
 82 | Section 2. The Broward County Board of County  
 83 | Commissioners shall schedule an election, in accordance with the  
 84 | provisions of law relating to elections currently in force, in

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85 Broward County on November 3, 2009. The subject of the election  
86 shall be the annexation into the City of Tamarac of the area  
87 described in section 1. Only registered voters residing in the  
88 area described in section 1 may vote in the election. Mail  
89 ballots shall be used in this election.

90 Section 3. Upon a majority of the registered voters  
91 residing in the subject area voting for annexation into the City  
92 of Tamarac, the area described in section 1 shall be deemed a  
93 part of such municipality on September 15, 2010, pursuant to  
94 section 171.062, Florida Statutes, except as provided for in  
95 this act.

96 Section 4. An interlocal agreement shall be developed  
97 between the governing bodies of Broward County and the City of  
98 Tamarac and executed prior to the effective date of the  
99 annexation as provided in section 3. The agreement shall address  
100 infrastructure improvement projects and include a financially  
101 feasible plan for transitioning county services, buildings,  
102 infrastructure, waterways, and employees.

103 Section 5. Upon annexation into the City of Tamarac, the  
104 area described in section 1 shall be governed as follows:

105 (1) The annexed property shall be governed by the relevant  
106 land use and zoning provisions of the City of Tamarac's Code of  
107 Ordinances.

108 (2) Any change of zoning districts or land use  
109 designations may only be accomplished by enactment of the vote  
110 of the majority of the full governing body of the municipality  
111 plus one.

112 (3) Any use, building, or structure that is legally in

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113 existence at the time of annexation may not be made a prohibited  
114 use by the City of Tamarac, on the property of such use, for as  
115 long as the use shall continue and not be voluntarily abandoned.

116 Section 6. After the effective date of this act, no change  
117 in land use designation or zoning shall be effective within the  
118 limits of the lands subjected to annexation in this act until  
119 the subject area has been annexed into the municipality or the  
120 date of the election held pursuant to section 2 if the  
121 annexation is defeated, and no annexation within the subject  
122 area by any municipality shall occur during the time period  
123 between the effective date of this act and the effective date of  
124 the annexation or the date of the election held pursuant to  
125 section 2 if the annexation is defeated.

126 Section 7. After the effective day of the annexation, any  
127 resident of the area to be annexed by this act into the City of  
128 Tamarac shall be deemed to have met any residency requirements  
129 for candidacy for municipal office.

130 Section 8. Nothing in this act shall be construed to  
131 affect or abrogate the rights of parties to any contract,  
132 whether the contract be between Broward County and a third party  
133 or between nongovernmental entities, which contract is in effect  
134 prior to the effective date of the annexation.

135 Section 9. All public roads and the public rights-of-way  
136 associated therewith, in the Broward County Road System, lying  
137 within the limits of the lands subject to annexation in this  
138 act, as described in section 1, are transferred from Broward  
139 County jurisdiction to the jurisdiction of the annexing  
140 municipality. All rights, title, interests, and responsibilities

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141 for any transferred roads, including, but not limited to, the  
142 ownership, operation, maintenance, planning, design, and  
143 construction of such roads and to the rights-of-way associated  
144 therewith shall transfer from Broward County jurisdiction and  
145 ownership to the jurisdiction and ownership of the annexing  
146 municipality upon the effective date of the annexation.

147       Section 10. This act shall take effect upon becoming a  
148 law.