

House Bill No. 1563

An act relating to Broward County; extending the corporate limits of the Cities of Fort Lauderdale, North Lauderdale, and Pompano Beach; providing for annexation of the unincorporated area known as “Palm Aire Village”; providing for a study; providing for an election, providing for a runoff election; providing for an effective date of annexation; providing for a transition plan and other plans; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing an effective date.

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

Section 1. The governing body of each municipality which desires to annex the area known as Palm Aire Village shall submit transition plans providing for the impact on employees of the governments affected, along with plans for law enforcement and fire-rescue services. The plans shall be submitted by the annexing cities in accordance with the Rules and Regulations of the Broward County Legislative Delegation.

Section 2. No later than June 15, 1999, the governing body for each municipality which has complied with section 1, and which chooses to be considered for annexation, shall notify the Broward County Legislative Delegation that they wish to appear on a ballot to annex the area known as “Palm Aire Village.”

Section 3. The legal description of the “Palm Aire Village Area” is as follows:

That portion of Sections 7 and 8, Township 49 South, Range 42 East, described as follows:

BEGINNING at the Northwest corner of said Section 8, said point being on the municipal boundary of the City of Pompano Beach as described in Ordinance No. 73-38 of the City of Pompano Beach;

THENCE easterly along the north line of said Section 8 and along said municipal boundary to a line 53 feet East of and parallel with the west line of said Section 8;

(The following 10 courses are coincident with the municipal boundary of the City of Fort Lauderdale, as described in Ordinance No. C-74-34 of the City of Fort Lauderdale)

THENCE southerly, along said parallel line to the north line of the South 125 feet of the North 259.48 feet of the East 186 feet of the West 239 feet of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE easterly along the said north line to the east line of the South 125 feet of the North 259.48 feet of the East 186 feet of the West 239 feet of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE southerly along the said east line to the south line of the South 125 feet of the North 259.48 feet of the East 186 feet of the West 239 feet of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE westerly along said south line to the point of curvature of a curve concave to the Northeast, having a radius of 25 feet and tangent to the said south line and tangent to a line 53 feet East of and parallel with the west line of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE westerly through northerly along said curve to the point of tangency with a line 53 feet East of and parallel with the west line of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE southerly along said parallel line to the North line of the South 690 feet of the North 1009.48 feet of the East 400 feet of the West 453 feet of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE easterly along said north line to the east line of the South 690 feet of the North 1009.48 feet of the East 400 feet of the West 453 feet of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE southerly along said east line to the south line of the South 690 feet of the North 1009.48 feet of the East 400 feet of the West 453 feet of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE westerly along the said south line to a line 53 feet East of and parallel with the west line of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE southerly along said parallel line to a line 50 feet North of and parallel with the south line of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE continue southerly along said parallel line to the south line of the Northwest one-quarter (NW ¼) of said Section 8;

THENCE continue southerly along a line 53 feet East of and parallel with the west line of the Southwest one-quarter (SW ¼) of said Section 8 to a line 53 feet South of and parallel with the north line of the Southwest one-quarter (SW ¼) of said Section 8;

THENCE westerly along said parallel line and continuing westerly along a line 53 feet South of and parallel with the north line of the Southeast one-quarter (SE ¼) of said Section 7, a portion of which is along the municipal boundary of the City of Fort Lauderdale, as described in afore-said Ordinance No. C-74-34, to the east line of Tract 8, Block 96, of the PALM BEACH FARMS CO. PLAT NO. 3, as recorded in Plat Book 2, Pages 45 - 54 inclusive, of the Public Records of Palm Beach County, Florida;

(The following 2 courses are coincident with the municipal boundary of the City of Fort Lauderdale, as described in House Bill 2512)

THENCE northerly along the said east line to the Northeast corner of said Tract 8;

THENCE westerly along the north line of said Tract 8, to a line 25 feet West of and parallel with the East line of Tract 5, Block 96, of said PALM BEACH FARMS CO. PLAT NO. 3;

THENCE northerly along said parallel line and along the municipal boundary of the City of North Lauderdale, as described in Ordinance No. 89-6-721 of the City of North Lauderdale, to the south line of Tract 4, Block 96, of said PALM BEACH FARMS CO. PLAT NO. 3;

(The following 2 courses are coincident with the municipal boundary of the City of North Lauderdale, as described in House Bill 926)

THENCE easterly along the said south line to the Southeast corner of said Tract 4;

THENCE northerly along the east line of said Tract 4 to the North plat boundary line of PALM AIRE VILLAGE 2ND SECTION ADD'N 3, as recorded in Plat Book 78, Page 31, of the Public Records of Broward County, Florida;

THENCE easterly along the said North Plat boundary line and continuing easterly along the North plat boundary line of PALM AIRE VILLAGE 2ND SECTION, as recorded in Plat Book 73, Page 9, of the Public Records of Broward County, Florida, to a line 53 feet West of and parallel with the east line of said Section 7;

THENCE northerly along said parallel line to the North line of said Section 7;

THENCE easterly along said North line and along the municipal boundary of the City of Pompano Beach, as described in aforesaid Ordinance No. 73-38, to the Point of Beginning.

Section 4. The Broward County Board of County Commissioners shall schedule a election in accordance with the provisions of the law relating to elections, currently in force in Broward County on September 7, 1999. The subject of said election shall be the annexation of the area described in section 3 commonly known as the "Palm Aire Village Area." Only registered voters residing in the "Palm Aire Village Area," as described in this act, may vote in said election. The name of each municipality which chooses to be considered for annexation in accordance with section 2 shall appear on a ballot. The voters residing in the "Palm Aire Village Area" shall, by majority vote of the voters participating in the election, choose one municipality for annexation.

Section 5. Palm Aire Village shall be deemed a part of the municipality receiving a majority of the votes effective September 15, 2000, pursuant to s. 171.062, Florida Statutes, except as provided for in this act. If no entity receives a majority vote of those voting as provided for in section 4, there shall be a runoff election scheduled for Tuesday, October 4, 1999, between the two entities which have received the highest number of votes in the election of September 7, 1999.

Section 6. If a runoff election is necessitated as provided for in section 5, the "Palm Aire Village Area" shall be deemed annexed to the municipality

which has received a majority vote of those voters voting in the runoff elections.

Section 7. An interlocal agreement shall be developed between the governing bodies of Broward County and the annexing municipality and executed prior to the effective date of the annexation as provided for in section 5. The agreement shall include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways, roads, and rights-of-way and employees, and provisions for Broward County to continue to receive certain revenues generated by the "Palm Aire Village Area" until the completion of programmed infrastructure improvements, as appropriate.

Section 8. The Board of County Commissioners of Broward County is hereby authorized to set the election provided for in section 4 by special election for the time period provided in this act at the cost of Broward County. A mail ballot shall not be used for any election provided for in this act.

Section 9. Upon annexation into a municipality, the following shall govern the areas described in section 3.

(1) The future land use designations and zoning districts presently provided for under the Broward County Comprehensive Plan and Code of Ordinances of Broward County shall remain the law governing the "Palm Aire Village Area," notwithstanding the fact that the "Palm Aire Village Area" is now a part of a municipality. The future land use designations and zoning districts of Broward County shall be deemed the conforming laws of the municipality of which the "Palm Aire Village Area" is now a part.

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

(3) Notwithstanding subsections (1) and (2), any use that is legally in existence at the time that the "Palm Aire Village Area" becomes a part of a municipality, shall not be made a prohibited use by a municipality, on the property of the use, for as long as the use shall continue, and shall not be voluntarily abandoned.

Section 10. Subsequent to the effective date of this act, no change in future land use designation or zoning district shall be effective, until the "Palm Aire Village Area" has been annexed into a municipality; no annexation by any municipality shall occur during the time period between the effective date of this act and the effective date of the annexation.

Section 11. All public roads and the public rights-of-way associated therewith, on the Broward County Road System, lying within the limits of the lands subject to annexation herein, as described in section 3, are transferred from Broward County jurisdiction to the jurisdiction of the annexing municipality, except for those portions of Cypress Creek Road (N.W. 62nd St.) and N.W. 31st Avenue lying within the limits of the annexation area. All rights, title, interests, and responsibilities for any transferred roads,

including, but not limited to, the ownership, operation, maintenance, planning, design, and construction of said roads and to the rights-of-way associated therewith shall transfer from Broward County jurisdiction and ownership to the jurisdiction and ownership of the annexing municipality upon the effective date of this act.

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

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.