

## House Bill No. 1393

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

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

That portion of Sections 13, 14, 23 and 24, Township 50 South, Range 41 East and Section 18, Township 50 South, Range 42 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;

thence continuing along the said boundary of the City of Plantation the following 6 courses;

thence Northeasterly along the East line of said Tier 24, to the North line of said Section 13;

thence East along the said North line of Section 13 to a point of intersection with the Northerly extension of the Westerly line of Block 3, as shown by the plat of LAUDERDALE HIGHLANDS as recorded in Plat Book 12, at Page 37, Public Records of Broward County, Florida;

thence Southwesterly along the Westerly line of said Block 3 and its Northerly extension thereof, to the Southwesterly corner of Lot 11 of said Block 3;

thence Easterly along the Southerly line of said Lot 11 and its Easterly extension thereof, to a point of intersection with the Easterly right-of-way line of Highland Avenue, as shown by said plat of LAUDERDALE HIGHLANDS;

thence Southwesterly along the Easterly right-of-way line of said Highland Avenue to a point of intersection with the South line of Block 1, as shown by said plat of LAUDERDALE HIGHLANDS;

thence Easterly along the South line of said Block 1 and its Easterly extension thereof to a point of intersection with the East right-of-way line of State Road No. 7, as described in City of Fort Lauderdale annexing Resolution No. 8519;

thence Southerly along the said east right-of-way line to the North right-of-way line of Riverland Road and the boundary of the Town of Davie as described in Chapter 84-420, Laws of Florida;

thence continuing along said boundary of the Town of Davie the following 10 courses;

thence Westerly along the Westerly prolongation of the said North right-of-way line to the West right-of-way line of State Road No. 7;

thence Southerly along said West right-of-way line to a point of intersection with a line 300 feet North of the Southerly line of Tract 2, Tier 4, of said Newman's Survey, as measured along the said Westerly right-of-way line;

thence Northwesterly to a point on the Easterly right-of-way line of Southwest 41st Avenue, being 298.34 feet Northerly from the Southwest corner of said Tract 2, Tier 4;

thence Westerly to a point of intersection of the West right-of-way line of Southwest 41st Avenue with the North line of said Section 24;

thence Southwesterly along the said West right-of-way line to the centerline of North New River Canal;

thence Southeasterly along said centerline to the Westerly right-of-way line of State Road No. 7;

thence Southwesterly along said West right-of-line to the South bank of the North New River Canal;

thence Northwesterly along said South bank to the Northerly extension of the West line of the East One-Half of Tract 1, Tier 7 of said Newman's Survey;

thence Southwesterly along said Northerly extension to the Northwest corner of the said East One-Half of Tract 1, Tier 7, also being on the South right-of-way line of North New River Canal;

thence Northwesterly along the said Southerly right-of-way line to the Easterly line of Tier 21 of said Newman's Survey;

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;

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

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

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

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

Section 6. 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. The agreement shall address infrastructure improvement programs and include a financially

feasible plan for transitioning county services, buildings, infrastructure, waterways, and employees.

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

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

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

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

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

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

Section 10. Nothing in this chapter shall be construed to affect or abrogate the rights of parties to any contracts, whether the same be between Broward County and a third party or between nongovernmental entities, which contracts are in effect prior to 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, including bridge structures 868303, 864024, 864022, 864096, and 864097, lying within the limits of the lands subject to annexation herein, as described in either section 3 or section 5, are transferred from Broward County jurisdiction to the jurisdiction of the annexing municipality, except for those portions of Hiatus Road, Nob Hill Road, Pine Island Road, and Davie Boulevard and that portion of Peters Road west of the Peters Road/Davie Boulevard intersection 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 the annexation.

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

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.