

House Bill No. 1485

An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale or the City of Oakland Park; providing for annexation of the unincorporated area known as North Andrews Gardens; 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 an effective date.

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

Section 1. No later than July 1, 2004, the governing bodies for the City of Fort Lauderdale and for the City of Oakland Park, after having considered the effects of annexation on the residents of both the North Andrews Gardens 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. If at least one of the municipalities specified in section 1 informs the Broward County Legislative Delegation and the Broward County Board of County Commissioners that it desires to appear on the ballot, the Broward County Board of County Commissioners shall schedule an election on August 31, 2004, at the cost of Broward County, in accordance with the provisions of law relating to elections currently in force in Broward County. The subject of such election shall be the annexation of the North Andrews Gardens Area. Only registered voters residing in the North Andrews Gardens Area as described in this act may vote in such 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 and the Broward County Board of County Commissioners that it desires to appear on the ballot as provided for in section 1. The voters residing in the North Andrews Gardens Area shall, by majority vote of the voters participating in the election, choose one municipality for annexation. In the event only one municipality shall have informed the Broward County Legislative Delegation and the Broward County Board of County Commissioners that it desires to appear on the ballot as provided for in section 1, the voters residing in the North Andrews Garden Area shall, by majority vote of the voters participating in the election, choose whether to join that municipality 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. Legal description of the North Andrews Gardens area:

That portion of Sections 10, 11 and 15 Township 49 South, Range 42 East, Broward County, Florida, described as follows:

Begin at a point at the South right-of-way line of East Commercial Boulevard and the West right-of-way line of N.E. 6 Avenue, said point being on the municipal boundary of the City of Oakland Park, as established by Chapter 79-519, Laws of Florida;

Thence continuing along said municipal boundary the following 12 courses:

Thence Southerly along the West right-of-way line of N.E. 6 Avenue to a point 100.19 feet South of the South right-of-way line of N.E. 46 Street;

Thence Westerly along the North line of SEMINOLE WAREHOUSE PLAT ADDITION, Plat Book 39, Page 32, Broward County Records, for 305.80 feet;

Thence Southerly along the West line of said SEMINOLE WAREHOUSE PLAT ADDITION, and SEMINOLE WAREHOUSE PLAT, Plat Book 38, Page 8, of the Broward County Records, to a point 75 feet North of the North right-of-way line of N.E. 44 Street;

Thence West parallel with the North right-of-way line of N.E. 44 Street to a point on the West right-of-way line of N.E. 5 Avenue;

Thence North along the West right-of-way line of N.E. 5 Avenue to a point being 100 feet North of the North right-of-way line of N.E. 44 Street;

Thence West along a line parallel with and 100 feet North of the North right-of-way line of N.E. 44 Street, to the N.W. corner of Lot 46, Block 9, NORTH ANDREWS GARDENS SECOND ADDITION, Plat Book 31, Page 39, Broward County Records;

Thence Northerly to the N.E. corner of Lot 11, Block 8, of said NORTH ANDREWS GARDENS SECOND ADDITION;

Thence Westerly along the North line of said Lot 11, Block 8, to the East right-of-way line of N.E. 1 Terrace;

Thence Northerly along said East right-of-way line to the North right-of-way line of N.E. 45 Street;

Thence Westerly along said North right-of-way line to the West right-of-way line of N.W. 3 Avenue;

Thence Southerly to a point 110 feet South of the South right-of-way line of N.W. 45 Street;

Thence Westerly to the Easterly right-of-way line of Interstate 95, said point being on the municipal boundary of the City of Oakland Park, as established by Chapter 83-476, Laws of Florida;

Thence Northerly along said Easterly right-of-way line and said municipal boundary to a point on the South line of Parcel A, STILES-BENTON PLAT, according to the plat thereof, as recorded in Plat Book 155, Page 34, of the Public Records of Broward County, Florida, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-94-41;

Thence East, South, East and Northeast along the Southerly line of said Parcel A to a point on the Easterly right-of-way line of Interstate 95, said point being on the municipal boundary of the City of Oakland Park, as established by the aforesaid Chapter 83-476, Laws of Florida;

Thence along said Easterly right-of-way line and said municipal boundary to the West line of the HARRAH PLAT, according to the plat thereof, as recorded in Plat Book 100, Page 25, of the Public Records of Broward County, Florida, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-94-16;

Thence Southerly, along the West limits of said HARRAH PLAT and said municipal boundary, for a distance of 299.15 feet to the Southwest corner of said HARRAH PLAT;

Thence Easterly, along the South line of said HARRAH PLAT and said municipal boundary, for a distance of 633.25 feet to the West right-of-way line of Northeast 9 Avenue, said point being on the municipal boundary of the City of Oakland Park, as established by Chapter 75-452, Laws of Florida;

Thence along said municipal boundary the following 5 courses:

Thence Southerly, along said West right of way line, to a point 100 feet North of the North right-of-way line of Northeast 58 Court;

Thence Easterly for a distance of 400 feet;

Thence Southerly to the North right-of-way line of Northeast 58 Street;

Thence Westerly to the West right-of-way line of Northeast 9 Avenue;

Thence Southerly, along said West right of way line, to the North right-of-way line of Northeast 56 Street, said point being on the municipal boundary of the City of Oakland Park, as established by Ordinance No. 562;

Thence Westerly, along said North right of way line and said municipal boundary, to the West right-of-way line of Northeast 6 Avenue;

Thence Southerly, along said West right of way line and said municipal boundary, to the POINT OF BEGINNING.

Section 4. Upon a majority of the registered voters residing in the North Andrews Gardens area voting for annexation into the City of Fort Lauderdale or the City of Oakland Park, the North Andrews Gardens area described in section 3 shall be deemed a part of said municipality on September 15, 2005, pursuant to section 171.062, Florida Statutes, except as provided for in this act.

Section 5. 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 projects and include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways, and employees.

Section 6. Upon annexation into the municipality, the following shall govern the areas described in section 3:

(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 North Andrews Gardens area, notwithstanding the fact that the North Andrews Gardens 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 North Andrews Gardens 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 7. 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 North Andrews Gardens area has been annexed into the municipality; no annexation within the North Andrews Gardens 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 8. Any resident in the area to be annexed by this act into the City of Fort Lauderdale or the City of Oakland Park shall be deemed to have met any residency requirements for candidacy for any municipal office.

Section 9. 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 10. 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 Andrews Avenue. 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 11. 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.