

## House Bill No. 1335

An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; 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. Annexation of Aurora Road Area A.—

(1) No later than June 30, 2007, the governing body of the City of Melbourne, after having considered the effects of annexation of Aurora Road Area A, as hereinafter described, on both the residents of the area and on the City of Melbourne, may inform the Brevard County Supervisor of Elections of its desire to hold an election to determine whether Aurora Road Area A shall be annexed into the City of Melbourne. A copy of the notice to the supervisor of elections shall also be sent to the Brevard County Legislative Delegation and Brevard County Board of County Commissioners. The election may be held, if at all, at any time prior to December 31, 2007. If the referendum shall fail to receive a majority vote of the registered electors voting, the city shall not be barred from holding another election at a later date, provided that such election shall be held no later than December 31, 2007.

(2) The City of Melbourne shall have the ultimate responsibility for determining the election date and the method of holding the election, provided that the method of holding the election is consistent with general law, but no date or method of holding an election shall be finally determined until the City of Melbourne has coordinated with the Brevard County Supervisor of Elections to determine that the supervisor of elections is reasonably able to hold the election on the date and in the method selected by the City of Melbourne. The City of Melbourne is specifically authorized but not obligated to hold the election as a mail ballot election pursuant to the Mail Ballot Election Act, sections 101.6101-101.6107, Florida Statutes. Regardless of the method by which the election is held, voters may vote by absentee ballot as provided by law.

(3) Ballots or mechanical voting devices used in the referendum on annexation shall offer the following form of ballot substantially as follows:

ANNEXATION OF AURORA ROAD AREA A

Shall Aurora Road Area A be annexed into the City of Melbourne?

For annexation of property described as Aurora Road Area A

Against annexation of property described as Aurora Road Area A

(4) On the day of the referendum on annexation, there shall be prominently displayed at each polling place a copy of this act, including a map clearly depicting the area to be annexed. If the election is held by mail ballot or a voter requests to vote by absentee ballot, a copy of this act and a map clearly depicting the area to be annexed shall be distributed to the voter together with the voter's ballot.

(5) Only registered voters residing in Aurora Road Area A may vote in said election. The voters residing in Aurora Road Area A, by majority vote of the voters participating in the election, shall choose whether the area is to be annexed into the City of Melbourne. If a majority of those registered electors residing in the area to be annexed and participating in said election shall vote for the annexation of Aurora Road Area A into the City of Melbourne, said annexation shall become effective 30 days after the referendum.

(6) "Aurora Road Area A" is described as: A series of parcels, lots, and rights-of-way located within Township 27 South, Range 37 East, Section 18, Brevard County, Florida, being more particularly described as follows:

Commence and Begin at the Northeast corner of the Southeast quarter of said Section 18; thence run South along the East line of the Southeast quarter for a distance of 433 feet more or less to a point, said point lying along the East line of the Southeast quarter and also lying within Croton Road right-of-way (right-of-way Varies); thence run West perpendicular to the East line of the Southeast quarter for a distance of 30 feet more or less to a point, said point being the Southeast corner of lands described in Official Records Book 1045, Page 0115, Public Records of Brevard County, Florida; thence continue West along the South lines of lands described in Official Records Book 1045, Page 0115, Official Records Book 1177, Page 0627, Official Records Book 4919, Page 2022, and Official Records Book 5361, Page 0173, all in Public Records of Brevard County, Florida, for a distance of 567.59 feet more or less to a point, said point being the Southwest corner of lands described in Official Records Book 5361, Page 0173, Public Records of Brevard County, Florida (also known as "Spears Lane" (20 foot wide private right-of-way)); thence run South along the East lines of lands described in Official Records Book 5361, Page 0173, and Official Records Book 5186, Page 1513, all in the Public Records of Brevard County, Florida, for a distance of 227 feet more or less to a point, said point being the Southeast corner of land described in Official Records Book 5186, Page 1513, Public Records of Brevard County, Florida; thence run West along the South lines of land described in Official Records Book 5186, Page 1513, Official Records Book 4110, Page 1479, Official Records Book 3416, Page 1829, Official Records Book 3590, Page 1744, Official Records Book 2308, Page 1872, and Official Records Book 4431, Page 2081, all in the Public Records of Brevard County, Florida, for a distance of 690 feet more or less to a point, said point being the intersection point of said South property line and the northern property line of land described in Official Records Book 1197, Page 0180, Public Records of Brevard County, Florida; thence run Northwesterly along the South lines of land described in Official Records Book

4431, Page 2081 and Official Records Book 3712, Page 3380, all in the Public Records of Brevard County, Florida, for a distance of 240 feet more or less to a point, said point being the intersection of the South line of land described in Official Records Book 3782, Page 3380, Public Records of Brevard County, Florida, and the East property line of land described in Official Records Book 5281, Page 1522, Public Records of Brevard County, Florida; thence run Southwest along the East line of land described in Official Records Book 5281, Page 1522, Public Records of Brevard County, Florida, for a distance of 122.4 feet more or less to a point, said point being the Southeast corner of lands described in Official Records Book 5281, Page 1522, Public Records of Brevard County, Florida, and also said point being the Northeast corner of Lot 17, Block "E", Leewood Forest Section 3 Subdivision, as recorded in Plat Book 14, Page 38, Public Records of Brevard County, Florida; thence run West along the South lines of lands described in Official Records Book 5281, Page 1522, Official Records Book 3086, Page 0325, Official Records Book 4373, Page 3482, Official Records Book 4730, Page 0323, and Official Records Book 3558, Page 3455, all in the Public Records of Brevard County, Florida, for a distance of 1,893 feet more or less to a point, said point being the Southwest corner of land described in official records book 3558, Page 3455; thence run North along the West line of lands described in Official Records Book 3558, Page 3455 and Official Records Book 3558, Page 3456, all in the Public Records of Brevard County, Florida, for a distance of 627 feet more or less to a point, said point being the Northwest corner of land described in Official Records Book 3558, Page 3456, Public Records of Brevard County, Florida; thence continue North for a distance of 66 feet more or less to a point, said point lying along the North right-of-way line of Aurora Road (right-of-way varies); thence run East along the North right-of-way line of Aurora Road for a distance of 435 feet more or less to a point, said point being the Southeast corner of lands described in Official Records Book 3879, Page 3477, Public Records of Brevard County, Florida; thence run North along the East line of land described in Official Records Book 3879, Page 3477, Public Records of Brevard County, Florida, for a distance of 17 feet more or less to a point, said point being the Southwest corner of land described in Official Records Book 2989, Page 4422, Public Records of Brevard County, Florida; thence run East along the South line of land described in Official Records Book 2989, Page 4422, Public Records of Brevard County, Florida, for a distance of 290 feet more or less to a point, said point being the Southeast corner of land described in Official Records Book 2989, Page 4422, Public Records of Brevard County, Florida, and also said point being the intersection of the North right-of-way of Aurora Road (right-of-way varies) and the West right-of-way of Lansing Street (100 foot wide right-of-way); thence continue East along the North right-of-way line of Aurora Road for a distance of 200 feet more or less to a point, said point being the Southwest corner of Lot 2, Wilson Gardens Subdivision as recorded in Plat Book 10, Page 33, Public Records of Brevard County, Florida; thence run North along the West line of said Lot 2 for a distance of 330 feet more or less to a point, said point being the Northwest corner of said Lot 2; thence run West along the South line of Lot 12, Wilson Gardens Subdivision for a distance of 100 feet more or less to a point, said point being the

Southwest corner of said Lot 12 and also being the East right-of-way of Lansing Street (100 foot wide right-of-way); thence run North along the East right-of-way of Lansing Street for a distance of 160 feet more or less to a point, said point being the Northwest corner of lands described in Official Records Book 0985, Page 0092, Public Records of Brevard County, Florida; thence run East parallel to and North of the North line of Lot 12, Wilson Gardens Subdivision for a distance of 210 feet more or less to a point; thence run South parallel to and West of the East line of said Lot 12 for a distance of 120 feet more or less to a point; thence run East Parallel to and North of the North lines of Lots 3 and 4, Wilson Gardens Subdivision for a distance of 200 feet more or less to a point, said point lying along the East line of Lot 11, Wilson Gardens Subdivision; thence run South along the East lines of Lots 11 and 4, Wilson Gardens Subdivision for a distance of 350 feet more or less to a point, said point being the Southeast corner of Lot 4, Wilson Gardens Subdivision and also lying along the North right-of-way of Aurora Road (right-of-way varies) and also said point being the Southwest corner of Lot 7, Block "A", Replat of Wilson Gardens as recorded in Plat Book 11, Page 35, Public Records of Brevard County, Florida; thence run North along the East line of said Lot 7, Block "A" for a distance of 150 feet more or less to a point, said point being the Northeast corner of Lot 7; thence run East across Helen Street right-of-way (50 foot wide right-of-way) and the North line of Lot 7, Block "B", Replat of Wilson Gardens Subdivision for a distance of 182.47 feet more or less to a point, said point being the Northeast corner of said Lot 7, Block "B"; thence run North along the East lines of Lots 6 and 5, Block "B", for a distance of 100 feet more or less to a point, said point being the Northwest corner of Lot 8, Alton Thomas Acres Subdivision as recorded in Plat Book 11, Page 57, Public Records of Brevard County, Florida; thence run East along the North lines of Lots 8, 9, 10, Johnson Drive right-of-way (66 foot wide right-of-way), Lots 30, 31, and 32 of Alton Thomas Acres Subdivision for a distance of 746.00 feet more or less to a point, said point being the Northeast corner of Lot 32, Alton Thomas Acres Subdivision; thence run North along the East line of Lot 29, Alton Thomas Acres Subdivision for a distance of 40.8 feet more or less to a point, said point being the Northwest corner of land described in Official Records Book 5241, Page 3626, Public Records of Brevard County, Florida; thence run East along the North line of land described in Official Records Book 5241, Page 3626, Public Records of Brevard County, Florida, and also East along the North line of Lot 20, Griffies Subdivision No. 2 as recorded in Plat Book 16, Page 116, Public Records of Brevard County, Florida, for a distance of 163.5 feet more or less to a point, said point being the Northeast corner of said Lot 20, Griffies Subdivision No. 2; thence continue East for a distance of 50 feet more or less to a point, said point lying along the East right-of-way of Linda Lane (50 foot wide right-of-way); thence run South along the East right-of-way line of Linda Lane for a distance of 150 feet more or less to a point, said point being the Northwest corner of Lot 16, Griffies Subdivision as recorded in Plat Book 13, Page 94, Public Records of Brevard County, Florida; thence run East along the North line of said Lot 16 for a distance of 110 feet more or less to a point, said point being the Northeast corner of Lot 16, Griffies subdivision; thence run South

along the East lines of Lots 16, 17, and into Aurora Road right-of-way for a distance of 190.80 feet more or less to a point, said point lying along the North line of the Southeast quarter of Section 18, Township 27 South, Range 37 East; thence run East along the said North line of the Southeast quarter for a distance of 180 feet more or less to a point, said point being the intersection of the North line of the Southeast quarter and the Northerly extension of the East right-of-way line of Bowers Road (25 foot wide right-of-way); thence run South along the Northerly projection of said East right-of-way for a distance of 173 feet more or less to a point, said point being the Northwest corner of land described in Official Records Book 4855, Page 3004, Public Records of Brevard County, Florida; thence run East along the North line of land described in said Official Records Book 4855, Page 3004 for a distance of 97.5 feet more or less to a point, said point being the Northeast corner of said Official Records Book 4855, Page 3004, Public Records of Brevard County, Florida; thence continue East for a distance of 20 feet more or less to a point, said point being on the Western line of land described in Official Records Book 5343, Page 0635, Public Records of Brevard County, Florida; thence run North along the West line of said Official Records Book 5343, Page 0635, Public Records of Brevard County, Florida, and also the West line of lands described in Official Records Book 5343, Page 0635, Public Records of Brevard County, Florida, for a distance of 140 feet more or less to a point, said point being the Northwest corner of lands described in Official Records Book 5343, Page 0635, Public Records of Brevard County, Florida, and also said point lying along the South right-of-way line of Aurora Road (right-of-way varies); thence continue North for a distance of 33 feet more or less to a point, said point lying along the North line of the Southeast quarter of Section 18, Township 27 South, Range 37 East; thence run East along the North line of said Southeast quarter for a distance of 576 feet more or less to a point, said point being the Northeast corner of the Southeast quarter of said Section 18 and the Point-of-Beginning. Containing 52.67 acres +/- of land and 6.59 acres +/- of right-of-way for a total of 59.26 acres +/-.

(7) Upon annexation into the City of Melbourne, Aurora Road Area A shall be subject to the provisions of section 171.062, Florida Statutes. Nothing in this act shall be construed to affect or abrogate the rights of parties to any contracts, whether the same be between Brevard County and a third party or between nongovernmental entities, which contracts are in effect prior to the effective date of the annexation and affect all or portions of the area to be annexed.

(8) Subsequent to the effective date of the annexation, any resident in the area to be annexed by this section into the City of Melbourne shall be deemed to have met any residency requirements for candidacy for municipal office.

(9) All public roads and the public rights-of-way associated therewith, on the Brevard County Road System, lying within the limits of the lands subject to annexation herein, as described in subsection (6), are transferred from Brevard County jurisdiction to the jurisdiction of the City of Melbourne after approval of the annexation, except for those portions of Aurora Road

and Croton Road and their respective rights-of-way, 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 Brevard County jurisdiction and ownership to the jurisdiction and ownership of the City of Melbourne upon the effective date of the annexation.

Section 2. Annexation of Aurora Road Area B.—

(1) No later than June 30, 2007, the governing body of the City of Melbourne, after having considered the effects of annexation of Aurora Road Area B on both the residents of the area and on the City of Melbourne, may inform the Brevard County Supervisor of Elections of its desire to hold an election to determine whether Aurora Road Area B shall be annexed into the City of Melbourne. A copy of the notice to the supervisor of elections shall also be sent to the Brevard County Legislative Delegation and Brevard County Board of County Commissioners. The election may be held, if at all, at any time prior to December 31, 2007. If the referendum shall fail to receive a majority vote of the registered electors voting, the city shall not be barred from holding another election at a later date, provided that such election shall be held no later than December 31, 2007.

(2) The City of Melbourne shall have the ultimate responsibility for determining the election date and the method of holding the election, provided that the method of holding the election is consistent with general law, but no date or method of holding an election shall be finally determined until the City of Melbourne has coordinated with the Brevard County Supervisor of Elections to determine that the supervisor of elections is reasonably able to hold the election on the date and in the method selected by the City of Melbourne. The City of Melbourne is specifically authorized but not obligated to hold the election as a mail ballot election pursuant to the Mail Ballot Election Act, sections 101.6101-101.6107, Florida Statutes. Regardless of the method by which the election is held, voters may vote by absentee ballot as provided by law.

(3) Ballots or mechanical voting devices used in the referendum on annexation shall offer the following form of ballot substantially as follows:

ANNEXATION OF AURORA ROAD AREA B

Shall Aurora Road Area B be annexed into the City of Melbourne?

For annexation of property described as Aurora Road Area B

Against annexation of property described as Aurora Road Area B

(4) On the day of the referendum on annexation, there shall be prominently displayed at each polling place a copy of this act, including a map clearly depicting the area to be annexed. If the election is held by mail ballot or a voter requests to vote by absentee ballot, a copy of this act and a map clearly depicting the area to be annexed shall be distributed to the voter together with the voter's ballot.

(5) Only registered voters residing in Aurora Road Area B may vote in said election. The voters residing in Aurora Road Area B, by majority vote of the voters participating in the election, shall choose whether the area is to be annexed into the City of Melbourne. If a majority of those registered electors residing in the area to be annexed and participating in said election shall vote for the annexation of Aurora Road Area B into the City of Melbourne, said annexation shall become effective 30 days after the referendum.

(6) “Aurora Road Area B” is described as: A series of parcels, lots, and rights-of-way located within Township 27 South, Range 37 East, Section 18, Brevard County, Florida, being more particularly described as follows:

Commence and begin at the Southwest corner of Lot 1, Block “X”, Lee-wood Forest Section Seven Subdivision as recorded in Plat Book 18, Page 73, Public Records of Brevard County, Florida, said corner also lying along the North right-of-way line of Kingston Lane (50 foot wide right-of-way); thence run West along the North right-of-way of Kingston Lane for a distance of 636.96 feet more or less to a point, said point being the intersection of the North right-of-way line of Kingston Lane and the East right-of-way line of Wickham Road (right-of-way varies); thence run North along said East right-of-way line for a distance of 11 feet more or less to a point, said point being the Southwest corner of Lot 10, Blake Plat No. 6 Subdivision, as recorded in Plat Book 9, Page 29, Public Records of Brevard County, Florida; thence run East along the South lines of Lots 10, 9, 8, 7, 6, and 5 of said Blake Plat No. 6 for a distance of 382.65 feet more or less to a point, said point being the Southeast corner of Lot 5, Blake Plat No. 6 Subdivision; thence run North along the East line of said Lot 5 for a distance of 683 feet more or less to a point, said point being the Northeast corner of the aforementioned Lot 5 and also said point lying along the South right-of-way line of Aurora Road (right-of-way Varies); thence continue North for a distance of 33 feet more or less to a point, said point being along the North line of the Southwest corner of Section 18, Township 27 South, Range 37 East; thence run East along said North line of the Southwest quarter for a distance of 575 feet more or less to a point, said point being the intersection of the North line of the Southwest quarter of Section 18 and the Southerly extension of the West property line of lands described in Official Records Book 4588, Page 2356, Public Records of Brevard County, Florida; thence run North along said extension for a distance of 33 feet more or less to a point, said point being along the North right-of-way of Aurora Road (right-of-way varies) and also being the Southwest corner of lands described in Official Records Book 4588, Page 2356, Public Records of Brevard County, Florida; thence run North along the West line of land described in Official Records Book 4588, Page 2356, Public Records of Brevard County, Florida, for a distance of 125.92 feet more or less to a point, said point being the Northwest corner of said Official Records Book 4588, Page 2356, Public Records of Brevard County, Florida; thence run East along the North lines of land described in Official Records Book 4588, Page 2356 and Official Records Book 4732, Page 3505, all in the Public Records of Brevard County, Florida, for a distance of 100 feet more or less to a point, said point being the Southwest corner

of Lot 5, Vickers Subdivision as recorded in Plat Book 11, Page 67, Public Records of Brevard County, Florida; thence run North along the West lines of Lots 5, 4, and 3, Vickers Subdivision for a distance of 225 feet more or less to a point, said point lying along the West line of said Lot 3; thence run East parallel to and 25 feet South of the North line of Lot 3 for a distance of 92 feet more or less to a point, said point lying along the West right-of-way line of Vickers Drive (66 foot wide right-of-way); thence run North along said Right-of-Way for a distance of 50 feet more or less to a point along the West right-of-way of Vickers Drive; thence run West parallel to and 25 feet South of the North line of said Lot 3 for a distance of 92 feet more or less to a point, said point being along the West line of Lot 3, Vickers Subdivision; thence run North along the West line of Lots 3, 2, and 1 of Vickers Subdivision for a distance of 225 feet more or less to the Northwest corner of Lot 1, Vickers Subdivision; thence run East along the North lines of Lot 1, Vickers Drive right-of-way, Lot 12 of Vickers Subdivision, and lands described in Official Records Book 4827, Page 1993, and Official Records Book 4952, Page 0253, all in the Public Records of Brevard County, Florida, for a distance of 910 feet more or less to a point, said point being the Northeast corner of land described in Official Records Book 4952, Page 0253, Public Records of Brevard County, Florida; thence run South along the East lines of Lands described in Official Records Book 4952, Page 0253 and Official Records Book 1861, Page 0370, all in the Public Records of Brevard County, Florida, for a distance of 380 feet more or less to a point, said point being the Southeast corner of lands described in Official Records Book 1861, Page 0370, Public Records of Brevard County, Florida; thence run West along the South line of said Official Records Book 1861, Page 0370, Public Records of Brevard County, Florida, for a distance of 70 feet more or less to a point, said point being the Southwest corner or lands described in Official Records Book 1861, Page 0370, Public Records of Brevard County, Florida; thence run South along the East line of lands described in Official Records Book 4952, Page 0253, Public Records of Brevard County, Florida, for a distance of 230 feet more or less to a point, said point being the Southeast corner of said Official Records Book 4952 Page 0253, Public Records of Brevard County, Florida, and also said point lying along the North right-of-way line of Aurora Road (right-of-way varies); thence continue South for a distance of 66 feet more or less to the South right-of-way of line of Aurora Road; thence run West along the South right-of-way of line of Aurora Road for a distance of 175 feet more or less to a point, said point being the Northeast corner of land described in Official Records Book 3125, Page 1373 Public Record of Brevard County, Florida; thence run South along the East line of said Official Records Book 3125, Page 1373, Public Records of Brevard County, Florida, for a distance of 627 feet more or less to a point, said point being the Southeast corner of lands described in Official Records Book 3125, Page 1373, Public Records of Brevard County, Florida, and also lying along the North line of Leewood Forest Section 6 Subdivision as recorded in Plat Book 17, Page 58, Public Records of Brevard County, Florida; thence run West along the North lines of Leewood Forest Section 6 Subdivision and the Replat of a Portion of Leewood Forest Section 6 Subdivision as recorded in Plat Book 18, Page 8, Public Records of Brevard County, Florida, for a distance of 389 feet more or less to a point,

said point being the Northwest corner of Lot 2, Replat of a Portion of Leewood Forest Section 6 Subdivision; thence run South along the West line of said Lot 2 for a distance of 100.47 feet more or less to a point, said point being the Southwest corner of said Lot 2 and also lying along the North right-of-way line of Lorna Drive (50 foot wide right-of-way); thence run West along the North right-of-way line of Lorna Drive for a distance of 25.34 feet more or less to a point, said point being the Southeast corner of Lot 15, Block "X", Leewood Forest Section Seven Subdivision as recorded in Plat Book 18, Page 73, Public Records of Brevard County, Florida; thence run North along the East lines of Lots 15, 14, and a 50 foot wide drainage easement for a distance of 258.59 feet more or less to a point, said point being the Northeast corner of said Leewood Forest Section Seven Subdivision; thence run Westerly along the North line of Leewood Forest Section Seven Subdivision for a distance of 670.23 feet more or less to a point, said point being the Northwest corner of Leewood Forest Section Seven Subdivision; thence run South along the West lines of a 50 foot wide drainage easement and Lot 1, Block "X", Leewood Forest Section Seven Subdivision for a distance of 161.42 feet more or less to a point, said point being the Southwest corner of Lot 1, Block "X", Leewood Forest Section Seven Subdivision and the Point-of-Beginning. Containing 27.86 acres +/- of land and 4.55 acres +/- of right-of-way for a total of 32.41 acres +/-.

(7) Upon annexation into the City of Melbourne, Aurora Road Area B shall be subject to the provisions of section 171.062, Florida Statutes. Nothing in this act shall be construed to affect or abrogate the rights of parties to any contracts, whether the same be between Brevard County and a third party or between nongovernmental entities, which contracts are in effect prior to the effective date of the annexation and affect all or portions of the area to be annexed.

(8) Subsequent to the effective date of the annexation, any resident in the area to be annexed by this section into the City of Melbourne shall be deemed to have met any residency requirements for candidacy for municipal office.

(9) All public roads and the public rights-of-way associated therewith, on the Brevard County Road System, lying within the limits of the lands subject to annexation herein, as described in subsection (6), are transferred from Brevard County jurisdiction to the jurisdiction of the City of Melbourne after approval of the annexation, except for those portions of Aurora Road and its right-of-way, 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 Brevard County jurisdiction and ownership to the jurisdiction and ownership of the City of Melbourne upon the effective date of the annexation.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.