

## CHAPTER 2010-256

### Committee Substitute for House Bill No. 1129

An act relating to City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits; providing for an effective date of annexation; providing for an interlocal agreement; providing for land use and zoning governance; providing legislative findings; providing requirements for the levying of fire rescue special assessments; providing for an assessment methodology review and report on the fire rescue special assessment; prohibiting the charging of certain impact fees; providing applicability to existing contracts; 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. The following described lands shall be annexed into and a part of the City of Tamarac effective September 15, 2010:

Prospect Field Road/West Commercial Boulevard Annexation Boundary is described as follows:

A portion of Section 17, Township 49 South, Range 42 East, Broward County, Florida, more particularly described as follows: BEGIN at the point of intersection of the North line of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said Section 17 with the East line of the West One-Half (W  $\frac{1}{2}$ ) of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said Section 17, said point being on the municipal boundary of the City of Tamarac, as established by Ordinance No. 0-81-17 of the City of Tamarac; Thence along said municipal boundary the following 3 courses; Thence Westerly, along said North line, to a point 50.00 feet East of the West line of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said Section 17; Thence Southerly, along a line 50.00 feet East of and parallel with the West line of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said section 17, said line being the East right of way line of Prospect Field Road, to a point of intersection with the South line of the North One-Half (N  $\frac{1}{2}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said Section 17; Thence Easterly, along said South line, to the Southeast corner of the North One-Half (N  $\frac{1}{2}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said Section 17, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Chapter 71-640, Laws of Florida; Thence Northerly, along the East line of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said Section 17, and along said municipal boundary to the POINT OF BEGINNING.

Prospect Field Road/N.W. 31st Avenue Annexation Boundary is described as follows:

A portion of Sections 8 and 17, Township 49 South, Range 42 East, Broward County, Florida, described as follows: BEGIN at the point of intersection of the North right of way line of Prospect Field Road with a line 264 feet East of and parallel with the West line of said Section 8, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Chapter 71-640, Laws of Florida; Thence along said municipal boundary the following 3 courses; Thence Easterly, along said North right of way line, to the North line of said Section 17; Thence Easterly, along said North line of Section 17, to the West line of Lot 11 of, LITTLE FARMS, according to the plat thereof, as recorded in Plat Book 27, Page 29 of the Public Records of Broward County, Florida; Thence Southerly, along said West line and the Southerly prolongation thereof, to the centerline of Orange Street as shown on said plat of, LITTLE FARMS, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-87-10 of the City of Fort Lauderdale; Thence Southerly, along the West line of Lot 30 of said plat and the Northerly prolongation thereof and said municipal boundary, to a point on the South line of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of said Section 17, said point being on the municipal boundary of the City of Tamarac, as established by Ordinance No. 0-81-17 of the City of Tamarac. Thence along said municipal boundary of the City of Tamarac the following 3 courses; Thence Westerly, along said South line, to the Southwest corner of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of said Section 17; Thence Southerly to the Southeast corner of the Southwest One-Quarter (SW  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of said Section 17; Thence Westerly to the Southwest corner of the Southwest One-Quarter (SW  $\frac{1}{4}$ ) of the Northeast One-Quarter (NE  $\frac{1}{4}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of said Section 17, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-72-22 of the City of Fort Lauderdale; Thence along said municipal boundary the following 4 courses; Thence Westerly, along the South line of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of said Section 17, to the West line of said Section 17; Thence Northerly, along said West line, to the South line of the West 264 feet of the North One-Half (N  $\frac{1}{2}$ ) of the North One-Half (N  $\frac{1}{2}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of the Northwest One-Quarter (NW  $\frac{1}{4}$ ) of said Section 17; Thence Easterly, along said South line, to the Southeast corner thereof;

Thence Northerly, along the East line thereof, to the POINT OF BEGINNING.

Section 2. An interlocal agreement shall be developed between the governing bodies of Broward County and the City of Tamarac and executed

prior to the effective date of the annexation as specified in section 1. The agreement shall address infrastructure improvement projects and include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways, and employees.

Section 3. Upon annexation into the municipality, the areas described in section 1 shall be governed by the zoning regulations of Broward County as amended through March 1, 2010, which shall apply to all areas described in section 1, which is Zone M-3 Heavy Manufacturing. In applying the adopted provisions of the Broward County Zoning Code, each reference to a commission, board, or employee of Broward County shall be construed to refer to its nearest counterpart in the City of Tamarac. The Broward County Zoning Code shall be interpreted and applied to the maximum extent possible. The city may codify the applicable Broward County zoning regulations in effect as of March 1, 2010, into the city's own zoning regulations, provided that such codification is done without any changes other than chapter and section numbers or references to any applicable city commission, board, or employee. Any change of zoning districts or land use designations may be accomplished only by enactment of the vote of the majority of the full governing body of the municipality plus one. Any use, building, or structure that is legally in existence at the time of annexation within the area described in section 1 shall not be made a prohibited use by the City of Tamarac.

Section 4. The Legislature finds that it is fair and reasonable to provide for a partial exemption from any fire rescue special assessment levied by the City of Tamarac to all parcels within the area described in section 1 in order that the amounts collected from these parcels are equal to the amounts that were collected from these parcels by Broward County for the provision of fire rescue services before annexation. The area described in section 1 includes a zoning category and uses that are materially different from those currently existing within the city and that may not be addressed in the city's current fire rescue special assessment methodology. These new uses will provide economic diversity and opportunities to the city that presently do not exist. Moreover, the annexation of these parcels into the city will provide economic benefits not otherwise available to the city, including, without limitation, increased ad valorem tax revenue paid directly by the annexed parcels, which will fund and enhance other city services provided citywide which, if not for the enhanced revenues received from the annexed parcels, would have to be funded through existing revenues. The exemption shall be equal to the amount of the special assessment levied by the City of Tamarac on the parcels within the area described in section 1 in excess of the amount that would have been charged the same parcels by Broward County through its fire assessment had the area described in section 1 remained an unincorporated area of Broward County. This partial exemption shall remain in place, notwithstanding any other statute or ordinance regarding non-ad valorem assessments. If Broward County discontinues its fire rescue special assessment, the exemption shall remain in place using the amount collected by the City of Fort Lauderdale had the area been part of Fort Lauderdale,

and if both Broward County and Fort Lauderdale cease to levy fire rescue special assessments, the assessment levied by the City of Tamarac shall then be collected from the parcels within the area described in section 1. Any shortfall in revenues by the city as a result of this exemption shall be funded by any available funding sources other than the fire rescue special assessment. The city shall complete an assessment methodology review and report for its fire rescue special assessment, to include an analysis of the parcels within the area described in section 1, within 1 year after the effective date of the annexation.

Section 5. The City of Tamarac may not charge any impact fees to any parcel within the area described in section 1 for any uses or development existing as of the effective date of the annexation that under the city's ordinances would have been due to the city for the existing uses had they been developed under the city's code. Development and uses that commence on or after the effective date of the annexation shall be subject to the city's impact fees.

Section 6. Nothing in this act may be construed to affect or abrogate the rights of parties to any contracts, whether they 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 7. All public roads, and the public rights-of-way associated therewith, in the Broward County Road System, lying within the limits of the lands subject to annexation in this act as described in Section 1, are transferred from the jurisdiction of Broward County to the jurisdiction of the City of Tamarac on the effective date of the annexation. All rights, title, interests, and responsibilities for any transferred roads, including, but not limited to, the ownership, operation, maintenance, planning, design, and construction of such roads and the rights-of-way associated therewith, shall transfer from the jurisdiction and ownership of Broward County to the jurisdiction and ownership of the City of Tamarac on the effective date of the annexation.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor May 28, 2010.

Filed in Office Secretary of State May 28, 2010.