

## CHAPTER 2010-257

### Committee Substitute for House Bill No. 1209

An act relating to the City of Fort Lauderdale, Broward County; extending and enlarging the corporate limits of the City of Fort Lauderdale to include specified unincorporated lands within such corporate limits; providing for an effective date of annexation; providing for an interlocal agreement, land use and zoning governance, and residency qualification for candidacies for municipal office; 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 areas shall be annexed into the City of Fort Lauderdale subject to the provisions of this act:

#### CYPRESS CREEK ROAD - A

That portion of Section 11 Township 49 South, Range 42 East, Broward County, Florida, described as follows:

BEGIN at the Northwest corner of 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 also being on the South right of way line of Cypress Creek Road and the municipal boundary of the City of Fort Lauderdale, as established by Ordinance No. C-94-16;

The next six courses being along said municipal boundary;

Thence North 88°46'54" East, a distance of 256.04 feet to the point of curvature of a non-tangent curve, concave to the North, having a radius of 5784.58 feet, a central angle of 01°48'28" and a radial bearing of North 03°35'16" East;

Thence Easterly along said curve, a distance of 182.51 feet to the most Northerly Northeast corner of Parcel "A" of said HARRAH PLAT;

Thence South 01°30'49" East, a distance of 12.02 feet to the Northwest corner of Parcel "A" of AMOCO S.S. 7002 PLAT, according to the plat thereof, as recorded in Plat Book 133, Page 29, of the Public Records of Broward County, Florida;

Thence continue South 01°30'49" East, a distance of 175.90 feet;

Thence North 88°46'54" East, a distance of 195.00 feet;

Thence South 01°30'49" East a distance of 98.25 feet to the Southeast corner of Parcel "A" of said HARRAH PLAT said point being on the

municipal boundary of the City of Oakland Park, as established by House Bill 1485, 2004 Legislature;

Thence North 88°44'00" East along said municipal boundary and the South line of said HARRAH PLAT to the Southeast corner of said Plat, said point being on the municipal boundary of the City of Oakland Park, as established by House Bill 2177, 1975 Legislature;

Thence North along said municipal boundary to the North right of way line of Cypress Creek Road, said point being on the municipal boundary of the City of Fort Lauderdale as established by Ordinance No. C-94-16 and on a curve concave to the North having a radius of 5674.58 feet and a central angle of 05°49'13";

The next two courses being along said municipal boundary per Ordinance No. C-94-16 and said North right of way line;

Thence Westerly along said curve, a distance of 576.44 feet to a point of reverse curvature of a curve concave to the South, having a radius of 5784.58 feet, a central angle of 00°35'37" and a radial bearing of South 05°38'37" West;

Thence Westerly along said curve, a distance of 59.93 feet to the Southeast corner of "SHELL AT I-95", according to the plat thereof, as recorded in Plat Book 102, 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-95-6;

The next three courses being along said municipal boundary per Ordinance No. C-95-6 and said North right of way line;

Thence continue Westerly along said curve, a distance of 337.88 feet;

Thence North 80°31'09" West, a distance of 201.82 feet;

Thence South 89°06'33" West, a distance of 125.00 feet to a point on the municipal boundary of the City of Oakland Park, as established by House Bill 931, 1983 Legislature and the East right of way line of Interstate Ninety-five (I-95);

Thence Southerly along said municipal boundary and said East right of way line to the South line of Cypress Creek Road, said point being on the municipal boundary of the City of Oakland Park, as established by House Bill 1485, 2004 Legislature;

Thence Easterly along said municipal boundary to the POINT OF BEGINNING.

CYPRESS CREEK ROAD - B

That portion of Section 11, Township 49 South, Range 42 East, Broward County, Florida, described as follows:

BEGIN at the intersection of the Easterly prolongation of the North limits line of CYPRESS CREEK I-95 INTERCHANGE PROPERTY, as recorded in Plat Book 88, Page 3, of the Public Records of Broward County, Florida with the East right of way line of the Florida East Coast Railroad and the present corporate limits of the City of Fort Lauderdale, as established by House Bill 2512, 1965 Legislature;

Thence Southerly along said East right of way line and said corporate limits to the North right of way line of Northeast 62nd Street, said point being on the municipal boundary of the City of Oakland Park, as established by House Bill 1244, 1988 Legislature;

Thence West along said North right of way line and said municipal boundary, as established by House Bill 1244, to the West right of way line of the Florida East Coast Railroad and a point on the municipal boundary of the City of Oakland Park, as established by House Bill 2177, 1975 Legislature;

Thence West along said North right of way line and said municipal boundary, as established by House Bill 2177, to a point on the Southeast corner of Tract "A", PHILLIPS TRACT, according to the plat thereof, as recorded in Plat Book 124, Page 9, 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 continuing along said municipal boundary, as established by Ordinance No. C-94-16, the following 4 courses;

Thence North 42°58'19" East, a distance of 42.63 feet;

Thence North 04°34'07" East, a distance of 100.31 feet to the Northeast corner of said Tract "A", the last two courses being along the Easterly line of said Tract "A";

Thence South 88°20'37" West, a distance of 120.11 feet to the Northwest corner of said Tract "A";

Thence South 02°18'05" East, a distance of 130.20 feet to the Southwest corner of said Tract "A", said point being on the North right of way line of Northeast 62nd Street and on said municipal boundary of the City of Oakland Park, as established by House Bill 2177, 1975 Legislature;

Thence Westerly along said North right of way line and said municipal boundary, as established by House Bill 2177, to the West right of way line of Northeast 9th Avenue, said point being on the municipal

boundary of the City of Fort Lauderdale, as established by Ordinance No. C-94-16;

Thence continuing along said municipal boundary, as established by Ordinance No. C-94-16, the following 36 courses:

Thence North 01°27'01" West, along said municipal boundary, a distance of 94.04 feet to the Southeast corner of Lot 118 of the Tax Assessor's Map of "CYPRESS CREEK TRAILER CITY", as recorded in Miscellaneous Plat Book 2, Page 17, of the Public Records of Broward County, Florida;

Thence South 88°46'54" West, along the South line of said "CYPRESS CREEK TRAILER CITY", a distance of 119.56 feet;

Thence North 28°46'54" East, a distance of 56.23 feet;

Thence North 26°13'06" West, a distance of 20.00 feet;

Thence South 43°46'54" West, a distance of 20.00 feet;

Thence North 46°13'06" West, a distance of 16.00 feet;

Thence North 43°46'54" East, a distance of 31.71 feet;

Thence North 13°46'54" East, a distance of 34.76 feet to the Northeast corner of Lot 121 of said "CYPRESS CREEK TRAILER CITY";

Thence North 01°13'06" West, a distance of 40.00 feet;

Thence North 88°46'54" East, along the North line of Caravan Circle, as shown on said "CYPRESS CREEK TRAILER CITY", a distance of 93.29 feet to intersect the West line of N.E. 10th Avenue (now N.E. 9th Avenue), as shown on said map;

Thence North 01°27'01" West, along said West line and the Northerly extension thereof, a distance of 160.00 feet;

Thence North 88°46'54" East, along the North line of said Caravan Circle, a distance of 185.18 feet;

Thence North 01°07'04" West, a distance of 218.42 feet;

Thence North 88°52'56" East, along the North line of Justamere Terrace, as shown on said map, a distance of 232.19 feet to the Southeast corner of Lot 56 of said "CYPRESS CREEK TRAILER CITY";

Thence North 13°52'56" East, a distance of 26.47 feet;

Thence North 26°07'04" West, a distance of 39.27 feet;

Thence North 63°52'56" East, a distance of 24.00 feet to the Westernmost corner of Lot 82, of said "CYPRESS CREEK TRAILER CITY";

Thence North 08°52'56" East, a distance of 49.45 feet to a point on the South right of way line of Cypress Creek Canal (C-14);

Thence North 88°52'56" East, along said South right of way line, a distance of 40.96 feet;

Thence South 18°37'04" East, a distance of 61.70 feet;

Thence South 88°52'56" West, a distance of 39.35 feet, the last four courses being coincident with the perimeter of said Lot 82;

Thence South 46°07'04" East, a distance of 7.30 feet;

Thence South 43°52'56" West, a distance of 31.71 feet;

Thence South 13°52'56" West, a distance of 34.76 feet;

Thence South 01°07'04" East, a distance of 35.00 feet;

Thence South 88°52'56" West, along the South line of said Justamere Terrace, a distance of 206.69 feet;

Thence South 01°07'04" East, a distance of 95.00 feet to the Northwest corner of Lot 31 of said "CYPRESS CREEK TRAILER CITY";

Thence North 88°52'56" East, a distance of 76.41 feet;

Thence South 28°52'56" West, a distance of 56.23 feet;

Thence South 63°52'29" West, a distance of 24.00 feet;

Thence South 88°52'56" West, a distance of 26.55 feet to the Southwest corner of said Lot 31, the last four courses being along the boundary of said Lot 31;

Thence South 01°07'04" East, a distance of 36.16 feet;

Thence South 61°35'26" West, a distance of 72.97 feet;

Thence South 88°46'54" West, a distance of 100.10 feet;

Thence South 01°27'01" East, along the East line of said N.E. 10th Avenue (now N.E. 9th Avenue), a distance of 98.23 feet;

Thence North 88°20'37" East, along the North limits and the Easterly extension thereof, of the Plat of "CYPRESS CREEK I-95 INTERCHANGE PROPERTY", as recorded in Plat Book 88, Page 3, of the Public Records of Broward County, Florida, a distance of 940.93 feet to the POINT OF BEGINNING.

ANDREWS - NE 62 STREET - NORTH

A portion of Section 10, Township 49 South, Range 42 East, Broward County, Florida, described as follows:

BEGIN at the intersection of the West right-of-way line of State Road 9, (I-95) with the East right-of-way line of North Andrews Avenue Extension as shown on, "CHARTER PLAT", as recorded in Plat Book 92, Page 23 of the Public Records of Broward County, Florida, said point also being on the municipal boundary of the City of Fort Lauderdale, established by Ordinance No. C-84-33 of the City of Fort Lauderdale;

Thence along said municipal boundary the following 4 courses;

Thence Northerly on said East right-of-way line to intersect the South line of the North One-Half (N 1/2), of the Southwest One-Quarter (SW 1/4), of the Southwest One-Quarter (SW 1/4), of the Northeast One-Quarter (NE 1/4) of Section 10, Township 49 South, Range 42 East;

Thence South 88°38'01" West on said South line to a point on the West line of the Northeast One-Quarter (NE 1/4) of said Section 10;

Thence South 88°36'42" West on the South line of the North One-Half (N 1/2), of the Southeast One-Quarter (SE 1/4), of the Southeast One-Quarter (SE 1/4), of the Northwest One-Quarter (NW 1/4) of said Section 10, a distance of 225.47 feet to intersect the East right-of-way line of North Andrews Avenue realigned shown on "STEAK & ALE OF FLA." as recorded in Plat Book 96, Page 16, of the Public Records of Broward County, Florida;

Thence Southerly on said East right-of-way line to intersect the North right-of-way line of Northeast 62nd Street (Cypress Creek Road), said point being on the municipal boundary of the City of Oakland Park, as established by House Bill 931, 1983 Legislature;

Thence Easterly, Northerly, Easterly and Northeasterly along said North right of way line and along said municipal boundary, to the POINT OF BEGINNING.

ANDREWS - NE/NW 62nd STREET - SOUTH

A portion of Section 10, Township 49 South, Range 42 East, Broward County, Florida, described as follows:

BEGIN at the Southwest corner of, CYPRESS FINANCIAL CENTER, according to the plat thereof, as recorded in Plat Book 125, Page 48 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 C-95-43 of the City of Fort Lauderdale;

Thence along said municipal boundary the following 8 courses;

Thence North 01°55'43" West, a distance of 89.24 feet;

Thence North 43°04'17" East, a distance of 42.43 feet;

Thence North 88°04'17" East, along the south right-of-way line of Northwest 60th Street, a distance of 13.16 feet;

Thence North 01°55'43" West, a distance of 60.00 feet;

Thence North 40°23'11" West, a distance of 39.14 feet to the point of intersection with the arc of a circular curve, concave to the Southeast, whose radius point bears South 78°50'36" East from said point;

Thence Northerly, along the arc of said curve, having a radius of 882.93 feet, a central angle of 04°47'41" and an arc distance of 73.89 feet, to the point of tangency;

Thence North 15°57'05" East, a distance of 312.64 feet;

Thence North 52°13'39" East, a distance of 41.42 feet to the Northwest corner of Parcel "A", CYPRESS CREEK CENTER, according to the plat thereof, as recorded in Plat Book 104, Page 13 of the Public Records of Broward County, Florida, said point being on the municipal boundary of the City of Oakland Park, as established by House Bill 931, 1983 Legislature;

Thence Northerly, along said municipal boundary, to the Southwest corner of, CHARTER PLAT, according to the plat thereof, as recorded in Plat Book 92, Page 23 of the Public Records of Broward County, Florida, said point being on the North right-of-way line of Northeast 62 Street (Cypress Creek Road) and the municipal boundary of the City of Fort Lauderdale, as established by Ordinance C-84-33 of the City of Fort Lauderdale;

Thence West, along said North right-of-way line and said municipal boundary, to intersect the West line of the Southeast One-Quarter (SE ¼), of the Southeast One-Quarter (SE ¼), of the Northwest One-Quarter (NW ¼) of said Section 10;

Thence North 01°56'19" West, along said West line and said municipal boundary, 262.64 feet to a point on the Easterly right-of-way line of the Seaboard System Railroad, said point being on the municipal boundary of the City of Fort Lauderdale, as established by House Bill 1499, 1979 Legislature;

Thence Southerly, along said East right-of-way line and said municipal boundary, to a point on the South right-of-way line of Cypress Creek Road, said point being on the municipal boundary of the City of Fort

Lauderdale, as established by Ordinance C-94-15 of the City of Fort Lauderdale;

Thence along said municipal boundary the following 6 courses;

Thence North 88°30'11" East, along the South right-of-way line of Cypress Creek Road, a distance of 183.77 feet to a point on the West right-of-way line of North Andrews Avenue, as shown on the Florida Department of Transportation right-of-way map section 86070-2497, sheet 1 of 1, dated 02/87;

Thence South 64°38'08" East, a distance of 69.17 feet;

Thence South 10°54'48" East, a distance of 64.81 feet;

Thence South 15°57'06" West, a distance of 191.81 feet to the point of curvature of a curve concave to the East;

Thence Southerly along said curve, having a radius of 1,014.93 feet, a central angle of 6°29'43", for a distance of 115.06 feet to a point on a non-tangent line;

Thence South 16°02'01" West, to a point of intersection with the South line of the North One-Half (N ½), of the North One-Half (N ½), of the Southwest One-Quarter (SW ¼) of said Section 10, said point being on the municipal boundary of the City of Oakland Park, as established by House Bill 931, 1983 Legislature;

Thence Easterly, along said municipal boundary, to the POINT OF BEGINNING.

Section 2. The areas described in Section 1 shall be deemed a part of the City of Fort Lauderdale on September 15, 2010, pursuant to section 171.062, Florida Statutes, except as provided for in this act.

Section 3. An interlocal agreement shall be developed between the governing bodies of Broward County and the City of Fort Lauderdale and executed prior to the effective date of the annexation of the property described 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 4. Upon annexation into the City of Fort Lauderdale, the area described in Section 1 shall be governed as follows:

(1) The annexed property shall be governed by the relevant land use and zoning provisions of the City of Fort Lauderdale Code of Ordinances.

(2) Any change of the 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.

(3) Notwithstanding subsections (1) and (2), any use, building, or structure that is legally in existence at the time an area becomes a part of the City of Fort Lauderdale may not be made a prohibited use by the City of Fort Lauderdale, on the property of such use, for as long as the use continues and is not voluntarily abandoned.

Section 5. After 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 in this act until the subject area has been annexed into the City of Fort Lauderdale and no annexation within the subject area by any other municipality shall occur during the time period between the effective date of this act and the effective date of the annexation.

Section 6. Any resident in the area to be annexed by this act into the City of Fort Lauderdale shall be deemed to have met any residency requirements for candidacy for municipal office.

Section 7. 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 8. 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 Fort Lauderdale, except those portions of Cypress Creek Road (NE/NW 62nd Street) and Andrews Avenue lying within the annexation area, on the effective date of 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 Fort Lauderdale on the effective date of annexation.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.