

A bill to be entitled

An act relating to Broward County; providing for extending the corporate limits of the City of Pompano Beach or the City of Deerfield Beach; providing for annexation of the unincorporated area known as the Pompano Highlands; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for 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. The legal description of the area referred to in this act as the "Pompano Highlands Area" is as follows:

A portion of Sections 12 and 13, Township 48 South, Range 42 East; and a portion of Sections 7 and 18, Township 48 South, Range 43 East, Broward County, Florida, described as follows:

BEGINNING at the intersection of the South right-of-way line of SE 15 Street (NE 54 Street), being a point on the municipal boundary of the City of Deerfield Beach, as established by Chapter 70-647, Laws of Florida, with the Westerly right-of-way line of Federal Highway, State Road No.5 (U.S. No. 1), being a point on the municipal boundary of the City of Lighthouse Point, as established by Chapter 70-783,

30        Laws of Florida,  
 31  
 32        THENCE Southwesterly along said Westerly right-of-way  
 33        line, as established by Chapter 70-783 and continuing  
 34        Southwesterly along the Westerly right-of-way line of  
 35        Federal Highway, State Road No. 5 (U.S. No.1), also  
 36        being along the municipal boundary of the City of  
 37        Lighthouse Point, as established by Chapter 70-784,  
 38        Laws of Florida, to the centerline of NE 36 Street  
 39        (Sample Road);  
 40  
 41        THENCE Westerly along said centerline also being along  
 42        the municipal boundary of the City of Pompano Beach,  
 43        as established by Chapter 2000-476, Laws of Florida to  
 44        the East right-of-way line of the Florida, East Coast  
 45        Railway;  
 46  
 47        THENCE Northeasterly along said East right-of-way  
 48        line, a portion of which is along the municipal  
 49        boundary of the City of Deerfield Beach, as  
 50        established by Chapter 99-471, Laws of Florida, to the  
 51        South line of Parcel "A", MORGAN PLAT NO. 1, according  
 52        to the plat thereof as recorded in Plat Book 110,  
 53        Page 42, of the Public Records of Broward County,  
 54        Florida;  
 55  
 56        THENCE along the municipal boundary of the City of  
 57        Deerfield Beach, as established by Ordinance 1985/24,  
 58        City of Deerfield Beach, the following two (2)

59        courses;  
 60  
 61        THENCE Easterly along the said South line of Parcel  
 62        "A" to the East line of said Parcel "A";  
 63  
 64        THENCE Northerly along said East line to the  
 65        intersection with the East right-of-way line of NE  
 66        13th Way, as shown on said MORGAN PLAT NO. 1;  
 67  
 68        THENCE along the municipal boundary of the City of  
 69        Deerfield Beach, as established by Chapter 99-471,  
 70        Laws of Florida, the following three (3) courses;  
 71  
 72        THENCE Northerly along the said East right-of-way line  
 73        to the North line of Parcel "B" of said MORGAN PLAT  
 74        NO. 1;  
 75  
 76        THENCE Easterly along said North line to the East line  
 77        of said Parcel "B";  
 78  
 79        THENCE Northerly along the Northerly extension of said  
 80        East line to the South right-of-way line of SW 15  
 81        Street (NE 54 Street), as established by aforesaid  
 82        Chapter 70-647, Laws of Florida;  
 83  
 84        THENCE Easterly along said South right-of-way line to  
 85        the POINT OF BEGINNING.

87        Section 2.    The Broward County Board of County

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

HB 1409

2004

88 Commissioners shall schedule an election in accordance with  
 89 provisions of the law relating to elections currently in force  
 90 in Broward County on November 2, 2004. The subject of said  
 91 election shall be the annexation of the Pompano Highlands Area.  
 92 Only registered voters residing in the Pompano Highlands Area as  
 93 described in this act may vote in said election. On the ballot  
 94 provided for in this section shall appear the name of the City  
 95 of Deerfield Beach and the City of Pompano Beach. Voters  
 96 residing in the Pompano Highlands Area shall by majority vote of  
 97 the voters participating in the election choose one municipality  
 98 for annexation. Mail ballots shall not be used in this election;  
 99 however, voters may vote by absentee ballots as provided by law.

100 Section 3. Upon a majority of the registered voters  
 101 residing in the Pompano Highlands Area voting for annexation  
 102 into the City of Deerfield Beach or the City of Pompano Beach,  
 103 the Pompano Highlands Area described in section 1 shall be  
 104 deemed a part of said municipality on September 15, 2005,  
 105 pursuant to s. 171.062, Florida Statutes, except as provided for  
 106 in this act.

107 Section 4. An interlocal agreement shall be developed  
 108 between the governing bodies of Broward County and the annexing  
 109 municipality and executed prior to the effective date of the  
 110 annexation as provided for in section 3. The agreement shall  
 111 address infrastructure improvement projects and include a  
 112 financially feasible plan for transitioning county services,  
 113 buildings, infrastructure, waterways, and employees.

114 Section 5. Upon annexation into the municipality, the  
 115 following shall govern the areas described in section 1:

116 (1) The present land use designations and zoning districts

HB 1409

2004

117 provided for under the Broward County Comprehensive Plan and  
 118 Code of Ordinances of Broward County shall remain the law  
 119 governing the Pompano Highlands Area, notwithstanding the fact  
 120 that the Pompano Highlands Area is now a part of a municipality.  
 121 The land use designations and zoning of Broward County shall be  
 122 deemed the conforming laws of the municipality of which the  
 123 Pompano Highlands Area is now a part.

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

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

134 Section 6. Subsequent to the effective date of this act,  
 135 no change in land use designation or zoning shall be effective  
 136 within the limits of the lands subject to annexation herein  
 137 until the Pompano Highlands Area has been annexed into the  
 138 municipality; no annexation within the Pompano Highlands Area by  
 139 any municipality shall occur during the time period between the  
 140 effective date of this act and the effective date of the  
 141 annexation.

142 Section 7. Any resident in the area to be annexed by this  
 143 act into the City of Deerfield Beach or the City of Pompano  
 144 Beach shall be deemed to have met any residency requirements for  
 145 candidacy for municipal office.

HB 1409

2004

146           Section 8. Nothing in this act shall be construed to  
147 affect or abrogate the rights of parties to any contracts,  
148 whether the same be between Broward County and a third party or  
149 between nongovernmental entities, which contracts are in effect  
150 prior to the effective date of the annexation.

151           Section 9. All public roads and the public rights-of-way  
152 associated therewith on the Broward County Road System, lying  
153 within the limits of the lands subject to annexation herein, as  
154 described in section 1, are transferred from Broward County  
155 jurisdiction to the jurisdiction of the annexing municipality.  
156 All rights, title, interests, and responsibilities for any  
157 transferred roads, including, but not limited to, the ownership,  
158 operation, maintenance, planning, design, and construction of  
159 said roads, and to the rights-of-way associated therewith, shall  
160 transfer from Broward County jurisdiction and ownership to the  
161 jurisdiction and ownership of the annexing municipality upon the  
162 effective date of the annexation.

163           Section 10. This act shall take effect upon becoming a  
164 law.