

PROPOSED

ORDINANCE NO. 2010-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO WATER CONTROL DISTRICT 4, ELECTING TO TRANSFER A PORTION OF SUBDISTRICT D OF THE WATER CONTROL DISTRICT 4, A DEPENDENT DISTRICT, TO THE JURISDICTION AND CONTROL OF THE CITY OF MARGATE, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 78-482, LAWS OF FLORIDA, AND SECTION 189.4042, FLORIDA STATUTES; ACKNOWLEDGING THE PRIOR TRANSFER, PURSUANT TO CHAPTER 2005-316, LAWS OF FLORIDA, OF THE JURISDICTION AND CONTROL OF A PORTION OF SUBDISTRICT D TO THE NORTH LAUDERDALE WATER CONTROL DISTRICT; PROVIDING THAT THE TRANSFER OF JURISDICTION AND CONTROL SHALL NOT AFFECT THE LIEN OF ANY JUDGMENT OR THE PENDENCY OF ANY CAUSE OF ACTION; PROVIDING THAT NO INDEBTEDNESS OF THE SUBDISTRICT SHALL BE PAID OR BECOME THE LIABILITY OF FUNDS OR MONEYS OF THE CITY OF MARGATE; REDEFINING THE REMAINING AREA OF SUBDISTRICT D; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Water Control District 4 (the "District") was duly created in accordance with Chapter 61-1969, Laws of Florida, as amended, by the Broward County Board of County Commissioners by Resolution adopted on March 30, 1966, providing for the maintenance of waterways within its boundaries; and

WHEREAS, Chapter 61-1969 was subsequently incorporated into the Broward County Code of Ordinances as Chapter 36, "Water Resources and Management"; and

WHEREAS, by Resolution dated August 20, 1998, the District transferred all of its powers, obligations, duties, functions, and assets to Broward County; and

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1 WHEREAS, the District is a dependent special district pursuant to Section
2 189.403, Florida Statutes; and

3 WHEREAS, the Broward County Board of County Commissioners (the "Board")
4 sits as the governing board of the District; and

5 WHEREAS, a portion of Subdistrict D of the District is located within the
6 jurisdictional boundaries of the cities of Margate and North Lauderdale; and

7 WHEREAS, Chapter 2005-316, Laws of Florida (the "Special Act"), incorporated
8 the portion of Subdistrict D lying within the City of North Lauderdale into the
9 reconstituted North Lauderdale Water Control District; and

10 WHEREAS, consistent with the applicable provisions of Chapter 78-482, Laws of
11 Florida, and Section 189.4042, Florida Statutes, the Board acknowledges that the
12 Special Act effectively transferred the jurisdiction and control of the portion of Subdistrict
13 D lying within the City of North Lauderdale to the North Lauderdale Water Control
14 District; and

15 WHEREAS, the District and the City of Margate entered into an agreement on
16 August 5, 2008, whereby the District and the City of Margate agreed, in part, to the
17 transfer of the jurisdiction and control of the portion of Subdistrict D lying within the City
18 of Margate; and

19 WHEREAS, consistent with the applicable provisions of Chapter 78-482, Laws of
20 Florida, and Section 189.4042, Florida Statutes, the Board wishes to transfer the
21 jurisdiction and control of the portion of Subdistrict D lying within the City of Margate to
22 the City of Margate.

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1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3
4 Section 1. The recitals set forth above are true and correct and are
5 incorporated into this Ordinance.

6 Section 2. The Board hereby transfers the jurisdiction and control of the
7 portion of Subdistrict D lying within the City of Margate, as depicted in Exhibit "A-1"
8 (consisting of the legal description and map of the boundaries), to the City of Margate.

9 Section 3. The Board hereby acknowledges that the Special Act effectively
10 transferred jurisdiction and control of the portion of Subdistrict D lying within the City of
11 North Lauderdale, as depicted in Exhibit "A-2" (consisting of the legal description and
12 map of the boundaries), to the North Lauderdale Water Control District.

13 Section 4. All assets, books, and records belonging to each portion of
14 Subdistrict D of the District, including but not limited to all personal and intangible
15 property, and all rights and interests therein, shall transfer with each portion of
16 Subdistrict D to the City of Margate and the North Lauderdale Water Control District,
17 respectively.

18 Section 5. To the best knowledge and belief of the Board, as the Governing
19 Board of the District, there are currently no outstanding contracts or agreements
20 affecting the portions of Subdistrict D, as outlined above, to which the District is
21 currently a party.

22 Section 6. This transfer shall not affect the lien of any judgment entered
23 pursuant to applicable Florida law, nor the pendency of any action instituted pursuant to
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1 the above. To the best knowledge and belief of the Board, as the Governing Board of
2 the District, there are currently no such liens or actions.

3 Section 7. In no event shall any indebtedness of the District be paid from or
4 become the liability of funds or moneys of the City of Margate.

5 Section 8. The remaining area, as depicted in Exhibit "A-3" (consisting of the
6 legal description and map of the boundaries), shall constitute the revised boundary of
7 Subdistrict D.

8 Section 9. Pursuant to Section 189.4042, Florida Statutes, a copy of this
9 ordinance shall be filed with the Special District Information Program of the Department
10 of Community Affairs within thirty (30) days of the effective date hereof.

11 Section 10. SEVERABILITY.

12 If any portion of this Ordinance is determined by any Court to be invalid, the
13 invalid portion shall be stricken, and such striking shall not affect the validity of the
14 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
15 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
16 or circumstance(s), such determination shall not affect the applicability hereof to any
17 other individual, group, entity, property or circumstance.

18 Section 11. EFFECTIVE DATE.

19 This Ordinance shall become effective as provided by law.

20 ENACTED

21 FILED WITH THE DEPARTMENT OF STATE

22 EFFECTIVE

23 AAD/dmv
08/02/10
24 WCD4 SubDist D.ord.doc
10-421.00

PROPOSED

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EXHIBIT A-1

Water Management District #4 Legal Description of Sub-district D Related to the City of Margate

CITY OF MARGATE PORTION

A portion of the City of Margate, being a portion of Section 6 of Township 49 South, Range 42 East. All in Broward County, Florida, being more particularly described as follows:

Beginning at a point of intersection of the West line of the East one-quarter ($E\frac{1}{4}$) of Section 6, Township 49 South, Range 42 East and the South right-of-way line of Pompano Canal in Section 6, Township 49 South, Range 42 East; thence run Westerly along said South right-of-way line of Pompano Canal through Section 6, Township 49 South, Range 42 East, to a point of intersection with the West line of Section 6, Township 49 South, Range 42 East; thence Southerly along the West line of Section 6, Township 49 South, Range 42 East, to the South right-of-way line of SW 11th Street, a 50.00-foot wide right-of-way as shown on HERITAGE PINES, according to the plat thereof, as recorded in Plat Book 99, Page 10 of the Public Records of Broward County, Florida; thence N $89^{\circ}22'00''$ E along said South right-of-way line a distance of 335.91 feet; thence S $01^{\circ}42'30''$ E a distance of 712.89 feet to a point on the South line of OAKLAND HILLS 7th Section, according to the plat thereof as recorded in Plat Book 81, Page 30 of the Public Records of Broward County, Florida, said point also being the North right-of-way line of an unnamed 20-foot wide right-of-way being a part of THE PALM BEACH FARMS COUNTY PLAT NO. 3 according to the plat thereof, as recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida; thence N $89^{\circ}21'59''$ E along the South line of said OAKLAND HILLS 7th Section and the North line of said unnamed right-of-way a distance of 1107.78 feet to the East line of said OAKLAND HILLS 7th Section; thence N $01^{\circ}11'43''$ E along said East line a distance of 713.33 feet to the previously described South right-of-way line of SW 11th Street; thence N $89^{\circ}21'59''$ E along said South right-of-way line a distance of 1219.85 feet to a point on the West right-of-way line of a 25.00-foot wide un-named right-of-way as shown on said PALM BEACH FARMS COUNTY, Plat No. 3; thence S $00^{\circ}56'19''$ E along said right-of-way line and along the East line of Parcel B OUR LADY QUEEN OF HEAVEN CEMETERY PLAT according to the Plat thereof, as recorded in Plat Book 152, Page 21 of the Public Records of Broward County, Florida, a distance of 1539.82 feet to a point on the Westerly right-of-way line of the SUNSHINE STATE PARKWAY as shown on said OUR LADY QUEEN OF HEAVEN CEMETERY PLAT; thence Northeasterly along the West right-of-way line of the SUNSHINE STATE PARKWAY through Section 6, Township 49 South, Range 42 East, to a point of the intersection of said West right-of-way line and the West line of the East one-quarter ($E\frac{1}{4}$) of Section 6, Township 49 South, Range 42 East; thence Northerly along said West line to the South right-of-way line of Pompano Canal and the point of beginning.

EXHIBIT A-2

Water Management District #4 Legal Description of Sub-district D Related to the City of North Lauderdale

CITY OF NORTH LAUDERDALE PORTION

A portion of the City of North Lauderdale, being a portion of Sections 6 and 7 of Township 49 South, Range 42 East. All in Broward County, Florida, being more particularly described as follows:

Beginning at a point of the intersection of the West line of Section 6, Township 49 South, Range 42 East, and the South right-of-way line of SW 11th Street, a 50.00-foot wide right-of-way as shown on HERITAGE PINES, according to the plat thereof, as recorded in Plat Book 99, Page 10 of the Public Records of Broward County, Florida; thence N 89°22'00" E along said South right-of-way line a distance of 335.91 feet; thence S 01°42'30" E a distance of 712.89 feet to a point on the South line of OAKLAND HILLS 7th Section, according to the plat thereof as recorded in Plat Book 81, Page 30 of the Public Records of Broward County, Florida, said point also being the North right-of-way line of an unnamed 20-foot wide right-of-way being a part of THE PALM BEACH FARMS COUNTY PLAT NO. 3 according to the plat thereof, as recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida; thence N 89°21'59" E along the South line of said OAKLAND HILLS 7th Section and the North line of said unnamed right-of-way a distance of 1107.78 feet to the East line of said OAKLAND HILLS 7th Section; thence N 01°11'43" E along said East line a distance of 713.33 feet to the previously described South right-of-way line of SW 11th Street; thence N 89°21'59" E along said South right-of-way line a distance of 1219.85 feet to a point on the West right-of-way line of a 25.00-foot wide un-named right-of-way as shown on said PALM BEACH FARMS COUNTY, Plat No. 3; thence S 00°56'19" E along said right-of-way line and along the East line of Parcel B OUR LADY QUEEN OF HEAVEN CEMETERY PLAT according to the Plat thereof, as recorded in Plat Book 152, Page 21 of the Public Records of Broward County, Florida, a distance of 1539.82 feet to a point on the West right-of-way line of the SUNSHINE STATE PARKWAY as shown on said OUR LADY QUEEN OF HEAVEN CEMETERY PLAT; thence Southwesterly along said West right-of-way line through Sections 6 and 7, Township 49 South, Range 42 East, to the South line of the North Half (N½) of Section 7, Township 49 South, Range 42 East; thence Westerly along the South line of the North Half (N½) of said Section 7 to a point on the West line of Section 7, Township 49 South, Range 42 East; thence Northerly along said West line to the South right-of-way line of SW 11th Street and the point of beginning.

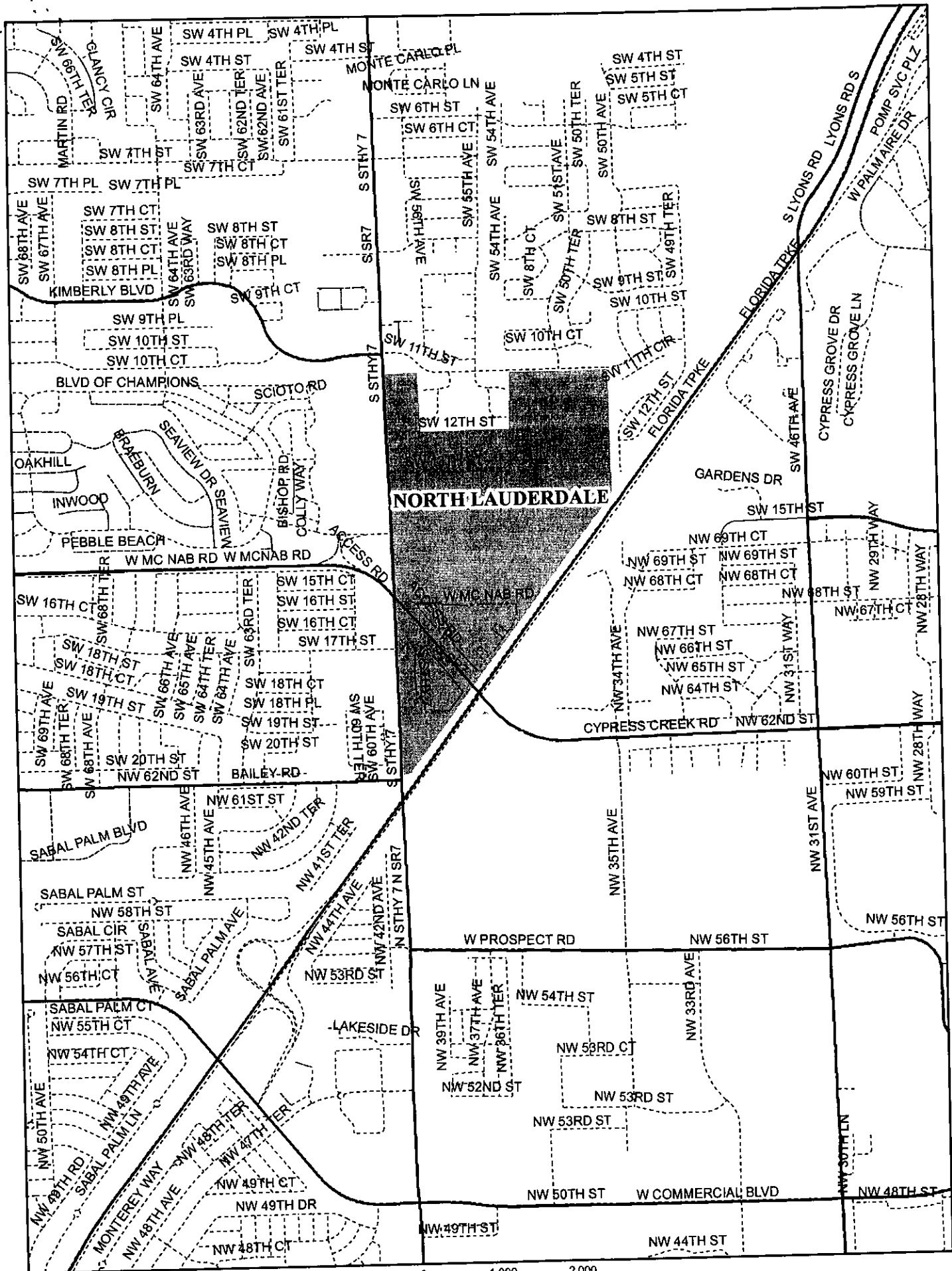
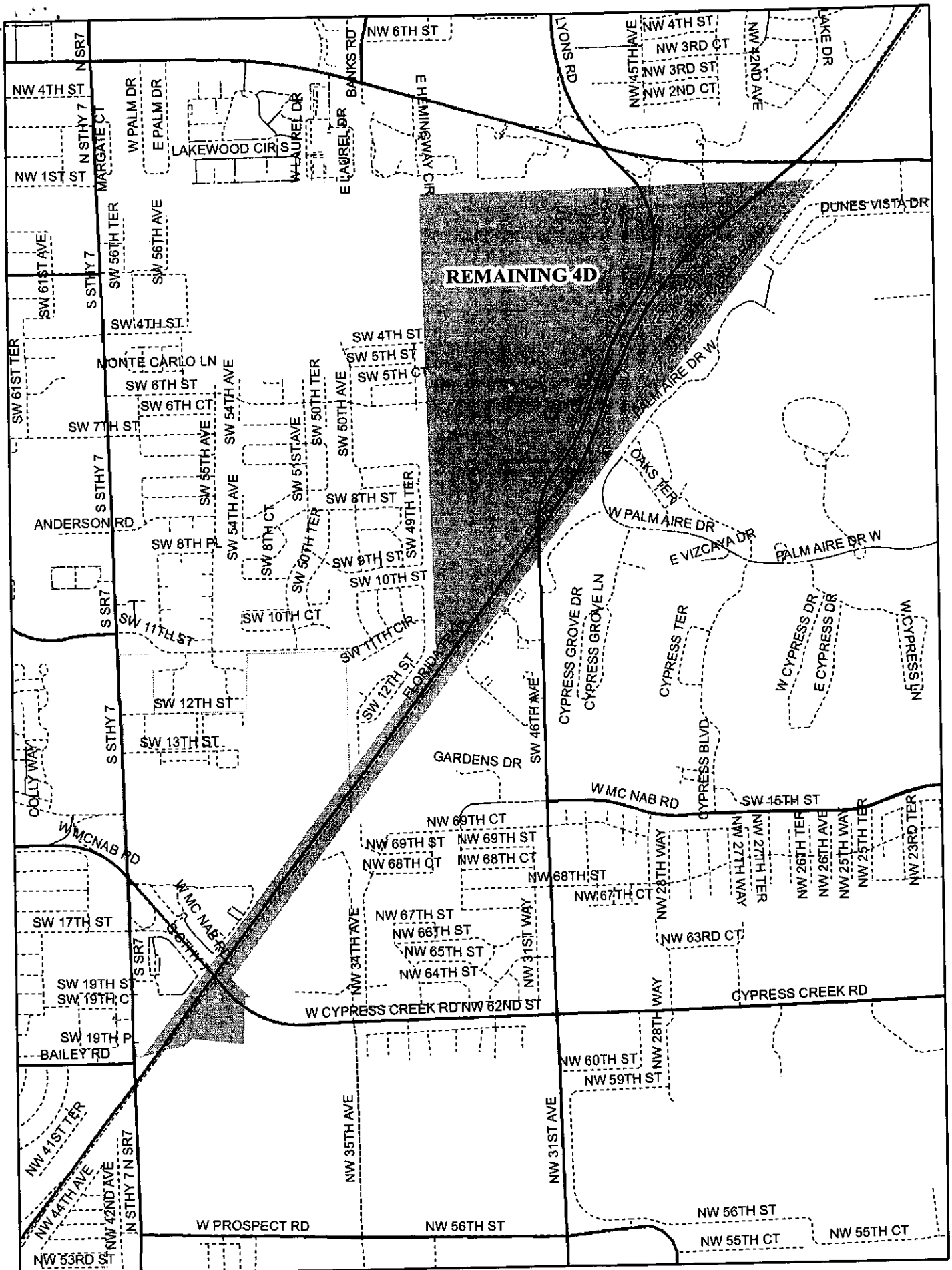


EXHIBIT A-3

Water Management District #4 Legal Description of the Remaining Portion of Sub-district D

REMAINDER TO STAY IN SUB-DISTRICT D

Beginning at a point of intersection of the West line of the East one-quarter (E¼) of Section 6, Township 49 South, Range 42 East and the South right-of-way line of Pompano Canal in Section 6, Township 49 South, Range 42 East; thence run Southerly along said West line to the point of intersection of said West line and the West right-of-way line of the SUNSHINE STATE PARKWAY; thence Southwesterly along said West right-of-way line through Sections 6 and 7, Township 49 South, Range 42 East, to the South line of the North Half (N½) of Section 7, Township 49 South, Range 42 East; thence Easterly along said South line to a point on the East right-of-way line of the SUNSHINE STATE PARKWAY; thence Northeasterly along said East right-of-way line through Sections 7, 6, and 5, Township 49 South, Range 42 East, to the South right-of-way line of the Pompano Canal; thence Westerly along said South right-of-way line to the West line of the East one-quarter (E¼) of Section 6, Township 49 South, Range 42 East and the point of beginning.



REMAINING 4D

0 1,000 2,000 Feet

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