

SOUTH BROWARD DRAINAGE DISTRICT
6591 Southwest 160th Avenue
Southwest Ranches, Florida 33331

CHARTER

August, 2011

PREFACE/SUMMARY

The South Broward Drainage District, which was originally known as the Hollywood Reclamation District, was created by the Florida Legislature in 1927 by Chapter 12049, Laws of Florida, out of a portion of the Napoleon B. Broward Drainage District. Many amendments were approved by the Florida Legislature from 1927 until 1967 when the original Hollywood Reclamation District was abolished. The new Hollywood Reclamation District was created in 1967 by Chapter 67-904, Laws of Florida. In 1986, the name of the District was changed to South Broward Drainage District by Chapter 86-362, Laws of Florida. In 1992 the boundaries of the South Broward Drainage District were revised to include the area previously known as Bailey Drainage District (created by Chapter 67-950, Laws of Florida) and add a sixth supervisor to the Board of Supervisors.

In 1998, the District's 1967 charter and all amendments thereto were repealed and along with minor revisions were included in a codification of the District's charter approved by the Florida Legislature by Chapter 98-524, Laws of Florida. In 2004, the District's charter was amended by Chapter 2004-459, Laws of Florida to change the method of electing supervisors beginning in November, 2004 from one vote per acre to a vote by the qualified electors of the District. The 2004 Charter Amendment provided that the District would be divided into 7 separate single member zones with one board member being elected from each zone. Beginning in November 2006, the District Board was increased to 7 members, each of which represent the zone that he or she resides in.

In 2007, the District's Charter was amended by Chapter 2007-308, Laws of Florida to change the board members designation from supervisors to commissioners, to change the designation of president of the board to chairperson of the board, to provide for a vice-chairperson and to clarify the terms of office for commissioners.

In 2011, the District's Charter was amended by Chapter 2011-264, Laws of Florida to delete and update obsolete provisions; clarify language related to the imposition of district assessments and taxes; prohibit the obstruction, damage or destruction of district facilities; and codify the requirement for the district's 5-year surface water management operation and maintenance permit for drainage facilities to be renewed at the end of every 5 years.

The Charter which follows is the 1998 codification of the District's 1967 charter and all amendments thereto as amended by Chapter 2004-459, Laws of Florida, Chapter 2007-308, Laws of Florida, and Chapter 2011-264, Laws of Florida. Minor changes to format and wording as stated in the Laws of Florida applicable to the District's charter have been made. Thus, Chapter 98-524, Laws of Florida, Chapter 2004-459, Laws of Florida, Chapter 2007-308, Laws of Florida, Chapter 2011-264, Laws of Florida, and revisions thereto should be referred to for the exact wording of the various sections of the District's charter as approved by the Florida Legislature. A certified copy of Chapter 98-524, Laws of Florida has been recorded in the Broward County Public Records at Official Records Book 29075, Page 1387. A certified copy of Chapter 2004-459, Laws of Florida has been recorded in the Broward County Public Records at Official Records Book 38172, Page 770. A certified copy of Chapter 2007-308, Laws of Florida has been recorded in the Broward

County Public Records at Official Records Book 44499, Page 384. A certified copy of Chapter 2011-264, Laws of Florida will be recorded in the Broward County Public Records at Official Records.

The title (designation) of the section or chapter of Florida general law as stated in this charter is indicated by [] following the general law section or chapter designation.

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SOUTH BROWARD DRAINAGE DISTRICT CHARTER

SECTION 1. Continuation of South Broward Drainage District.

The Hollywood Reclamation District created and established by chapter 67-904, Laws of Florida, and renamed the "South Broward Drainage District" shall continue to be a public corporation of the State of Florida, an independent special district and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other takings of the Hollywood Reclamation District and South Broward Drainage District are hereby validated and shall continue to be valid and binding on the South Broward Drainage District in accordance with their respective terms, conditions, covenants, and tenor. Any procedure heretofore done by the Hollywood Reclamation District or South Broward Drainage District under the Florida Statutes or any other law for the construction of any improvements, works, or facilities, for the assessment of benefits and damages, or for the borrowing of money shall not be impaired or avoided by this charter; but shall be continued and completed in the name of South Broward Drainage District.

SECTION 2. Title to property reserved.

The title, rights and ownership of all property, both real and personal, uncollected taxes, assessments, claims, judgments, decrees, choses in action, and all property and property rights held or owned by the drainage district named "Hollywood Reclamation District" abolished by chapter 67-904, Laws of Florida and the South Broward Drainage District, shall pass to and be vested in the drainage district organized under this charter to succeed the drainage district abolished.

SECTION 3. Obligations unimpaired.

No obligations or contracts of Hollywood Reclamation District abolished by chapter 67-904, Laws of Florida, or of the South Broward Drainage District, including financial obligations heretofore made or any proceeding heretofore begun for any improvement, or for the borrowing of money, or issuing of bonds, shall be impaired or avoided by this charter, but such debts, obligations, and contracts shall pass to and be binding upon the new drainage district created and organized, and all such proceedings heretofore begun for the construction of any improvements or for the borrowing of money or issuing of bonds may be continued and completed and binding upon the said new drainage district; and likewise, all debts of and claims against the drainage district abolished by chapter 67-904, Laws of Florida and the South Broward Drainage District, shall be valid against the South Broward Drainage District.

SECTION 4. Name of drainage district.

The South Broward Drainage District, as its boundaries are hereinafter designated and established, is a body politic and corporate, to be known and designated as "South Broward Drainage District".

SECTION 5. Officers; hold over.

All officers and employees of the South Broward Drainage District heretofore elected or appointed and holding office on October 1, 1998 shall continue to hold their respective offices and discharge their respective duties thereof until their successors are elected or appointed and qualified under the provisions of this charter.

SECTION 6. Rules, resolutions, and regulations not impaired.

All existing rules, resolutions, and regulations of the Hollywood Reclamation District abolished by chapter 67-904, Laws of Florida, and the South Broward Drainage District not in conflict with the provisions of this charter shall continue in effect unless repealed, amended, or modified by the drainage district which is hereby organized and created.

SECTION 7. Charter and amendments to charter.

This charter shall hereafter be referred to as the Charter of South Broward Drainage District, and may from time to time be amended by duly enacted acts of the Legislature of the State of Florida.

SECTION 8. Boundaries

The following boundaries shall be the territory known as "South Broward Drainage District" over which the district shall exercise its general jurisdiction and powers, as provided in this charter, to wit:

Begin at the Northeast corner of Section 9, Township 51 South, Range 41 East, Broward County, Florida; Thence South along the East line of the said Section 9 to the Northwest corner of the S ½ of Section 10, Township 51 South, Range 41 East; Thence East along the North line of the S ½ of the said Section 10 and along the North line of the SW ¼ of Section 11, Township 51 South, Range 41 East to the Northeast corner of the SW ¼ of the said Section 11; Thence South along the East line of the SW ¼ of the said Section 11 and along the East line of the NW ¼ of Section 14, Township 51 South, Range 41 East to the Southeast Corner of the NW ¼ of the said Section 14; Thence West along the South line of the NW ¼ of the said Section 14 to the Northeast Corner of the S ½ of Section 15, Township 51 South, Range 41 East; Thence South along the East line of the S ½ of the said Section 15 and along the East line of the N ½ of Section 22, Township 51 South, Range 41 East to the Southeast corner of the N ½ of the said Section 22; Thence West along the South line of the N ½ of the said Section 22 to the Northeast corner of the S ½ of Section 21, Township 51 South, Range 41 East; Thence South along the East line of Sections 21 and 28, Township 51 South, Range 41

East to the Southeast corner of the said Section 28; Thence West along the South line of Sections 28, 29 and 30, Township 51 South, Range 41 East to the Southwest corner of said Section 30; Thence South along the West line of Section 31, Township 51 South, Range 41 East, to the Southeast corner of Section 36, Township 51 South, Range 40 East; Thence West along the South line of Sections 36, 35, 34, 33, 32 and 31, Township 51 South, Range 40 East and along the south line of Sections 36, 35 and 34, Township 51 South, Range 39 East, to the Southwest corner of Section 34, Township 51 South, Range 39 East; Thence North along the West line of Sections 34, 27, 22, 15, 10 and 3, Township 51 South, Range 39 East and along the West line of Sections 34 and 27, Township 50 South, Range 39 East to the intersection thereof with the South right-of-way line of the South Florida Water Management District Canal C-11 (South New River Canal); Thence Easterly along the South right-of-way line of said South Florida Water Management District Canal C-11 through Sections 27, 26 and 25, Township 50 South, Range 39 East; and through Sections 30, 29 and 28, Township 50 South, Range 40 East to its intersection with the East line of Section 28, Township 50 South, Range 40 East; Thence Southerly along the East line of Sections 28 and 33, Township 50 South, Range 40 East and along the East line of Section 4, Township 51 South, Range 40 East to the Southeast corner of Section 4, Township 51 South, Range 40 East; Thence East along the North line of Sections 10, 11 and 12, Township 51 South, Range 40 East and along the North line of Sections 7, 8 and 9, Township 51 South, Range 41 East to the point of beginning.

SECTION 9. Definitions.

Unless the context shall indicate otherwise, the following words as used in this charter shall have the following meanings:

(1) “Assessable improvements” includes, without limitation, any and all drainage, land, and water management works and facilities, sewer systems, storm sewers and drains, water systems, streets, roads, or other projects of the district, or that portion or portions thereof, local in nature and of special benefit to the premises or lands served thereby, and any and all modifications, improvements, and enlargements thereof.

(2) “Bond” includes “certificate”, and provisions applicable to bonds shall be equally applicable to certificates. “Bond” includes assessment bonds, refunding bonds, and such other obligations in the nature of bonds as are provided for in this charter, as the case may be.

(3) “Board” means the board of commissioners of the South Broward Drainage

District, or, if such district shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this charter to the board of commissioners shall be given by law.

(4) "Cost", when used with reference to any project, includes, but is not limited to, the expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction; the cost of surveys, estimates, plans, and specifications; the cost of acquisition, construction, or reconstruction; the cost of improvements, engineering, fiscal, and legal expenses and charges; the cost of all labor, materials, machinery, and equipment; the cost of all lands, properties, rights, easements and franchises acquired; federal, state, and local taxes and assessments and financing charges; the creation of initial reserve and debt service funds; working capital and interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and/or such period of time after completion of construction or acquisition as the board may determine; the cost of issuance of bonds pursuant to this charter, including advertisements and printing, the cost of any election held pursuant to this charter, and all other expenses of issuance of bonds; administrative expense; such other expenses as may be necessary or incidental to the acquisition, construction or reconstruction of any project or to the financing thereof, or the development of any lands within the district; all fees and collection charges imposed on the district by the Broward County Property Appraiser and Revenue Collector; and reimbursement of any public or private body, person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction or reconstruction of any project or improvements thereon, or in connection with any other development of land that the board shall determine to be necessary or desirable in carrying out the purposes of this charter, may be treated as a part of such cost.

(5) "District" means the South Broward Drainage District.

(6) "Landowner" means the owner of the freehold estate, as appears by the deed record, including private corporations having such an ownership interest, and shall not include reversioners, remaindermen, or trustees, other than persons owning the freehold estate in any proceeding under this charter or under chapter 298 [Drainage and Water Control], Florida Statutes.

(7) "Plat" means a map or drawing, depicting the division of lands into lots, blocks, parcels, tracts, sites, or other divisions; however, the same may be designated.

(8) "Project" means any development, improvement, property, utility, facility, works, road, enterprise, service, or convenience, now existing or hereafter undertaken or established, that under the provisions of this charter or under chapter 298, Florida Statutes, the district is authorized to construct, acquire, undertake, and furnish for its own use or for the use of any other person, firm, or corporation, owning, leasing, or otherwise using the same, for any purpose or activity, and shall include, without limitation, such repairs, replacements, additions, extensions, and betterments to any project as may be deemed necessary or desirable by the board of commissioners to place or to maintain such project

in proper condition for the same, efficient, and economic operation thereof.

(9) “Subdivision” means the division of a parcel of land, whether improved or unimproved, into two or more lots or parcels of land for the purpose, whether immediate or future, of transfer of ownership or building development where the subdivider proposes to create a street, right-of-way, or easement that joins or connects to an existing public street for ingress and egress, or to change an existing public street.

(10) “Drainage and water management facilities” means any canals, ditches, water management areas, or other drainage facilities, reservoirs, dams, levees, sluiceways, dredging, holding basins, floodways, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, management, and disposal of water, and any purposes appurtenant, necessary, or incidental thereto, and includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such drainage and water management facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof. The terms “drainage” and “water management” shall be used interchangeably and shall mean the conservation, control, utilization, management, collection, disposal, conveyance, flowage, storage, detention, retention, absorption, run-off, pumping, and discharge of water or stormwater and any purposes appurtenant, necessary, or incidental thereto. This definition shall in no way be determined to expand or reduce the district’s powers.

(11) References in this charter to the boundaries of the district mean such boundaries as the same may from time to time be expanded, contracted, or otherwise revised by law or in any proceedings taken under this charter, and any actions that may be taken by or on behalf of the district under this charter within the limits or boundaries of the district may be taken within such limits or boundaries as expanded, contracted, or otherwise revised.

(12) The term “and” shall also mean “or”, and the word “or” shall also mean “and” wherever the context shall so require.

(13) The term “District Director” means the director of the South Broward Drainage District.

(14) “Five-year recertification program” means the district’s program that requires the district’s 5-year surface water management operation and maintenance permit for drainage facilities to be renewed at the end of every 5 years by the permittee or landowner and that requires that the permitted surface water management and drainage system is operational and complies with the district’s rules, regulations, and criteria.

SECTION 10. Board of commissioners; election; organization; terms of office;

benefits; quorum; report and minutes.

(1) The board of commissioners of the district shall be the governing body of the district and shall exercise the powers granted to the district under this charter and under chapter 298, Florida Statutes. The board shall consist of seven members who shall be known as commissioners. Except as otherwise provided herein, each member shall hold office for a term of 4 years and until his or her successor shall be chosen and shall qualify.

(2) A candidate for the office of commissioner shall, at the time of his or her qualification for office, be a qualified elector of the South Broward Drainage District and shall qualify with the county supervisor of elections in accordance with the Florida Election Code and this charter. To be a qualified candidate of the South Broward Drainage District, he or she shall, at the time of his or her qualification, have continuously resided within the boundaries of the district and within the respective zone that he or she may represent for the 60 days immediately preceding his or her qualifying for office and until he or she is inducted into office. Each commissioner shall reside within the district and within the geographical zone he or she represents during his or her entire term in office, but any commissioner who has the boundaries of his or her zone changed and because of said change no longer resides within the zone he or she represents shall remain in office until the normal expiration of his or her term.

(3) Notwithstanding any other provisions of this charter, the persons who are members of the former board of supervisors of the district in office on June 10, 2004 shall constitute the members of the board of commissioners until the next election for their seats. Those members of the board whose terms expire in November 2008 shall remain members of the board until their successors are inducted into office at the first regularly scheduled meeting of the board following certification of the November 2008 general election. Those members of the board whose terms expire in November 2010 shall remain members of the board until their successors are inducted into office at the first regularly scheduled meeting of the board following certification of the November 2010 general election.

(4) Except as stated herein, all commissioners shall be elected by the qualified electors of the district on a nonpartisan basis. Except as stated herein, the seven commissioners shall be elected from seven single-member zones which shall be identified as Zone 1, Zone 2, Zone 3, Zone 4, Zone 5, Zone 6, and Zone 7. The commissioners shall be elected from the registered voters of each respective zone.

(5) That part of the district located within the district's seven zones is as follows:
SEE EXHIBIT "1" ATTACHED HERETO

(6) Except as stated in this charter, the board shall be composed of seven members as follows:

(a) In the general election of November 2008 and in the November general election of every 4th year thereafter, one commissioner shall be elected from Zone 1, one commissioner shall be elected from Zone 3, and one commissioner shall be elected from

Zone 6. The commissioners elected in November 2008 shall serve until their terms expire in November 2012.

(b) In the general election of November 2010, and in the November general election of every 4th year thereafter, one commissioner shall be elected from Zone 2, one commissioner shall be elected from Zone 4, and one commissioner shall be elected from Zone 5, and one commissioner shall be elected from Zone 7. The commissioners elected in November 2010 shall serve until their terms expire in November 2014.

(c) If only one candidate qualifies for an office, that candidate shall be deemed elected. If two or more candidates qualify for an office, the names of those candidates shall be placed on the ballot for the designated November general election.

(d) The candidate receiving the highest number of votes cast for the office of commissioner for each respective zone at each respective election shall be declared elected to such office. If the vote results in a tie, the outcome shall be determined by the drawing of a card from a standard unopened sealed deck of 52 cards provided by the district director. The candidate drawing the highest card shall be declared elected to such office.

(e) Commissioners elected or reelected shall be inducted into office at the first regularly scheduled meeting of the board following certification of the election.

(7) Except as provided in this section, election of commissioners shall be as provided in the Florida Election Code and revisions thereto.

(8) The boundaries of Zones 1, 2, 3, 4, 5, 6, and 7 shall be reviewed and revised by the board upon the occurrence of any of the following events:

(a) Property is added to the district's geographical area;

(b) The district's population changes by 10 percent or more since the previous determination of the single-member zone boundaries;

(c) Property is deleted from the district's geographical area;

(d) The passage of at least 10 years since the previous review of the single-member zone boundaries. If the population of the single-member zones meets the requirements of subsection (9), the boundaries of the single-member zones may remain as is;

(e) The population of any one or more zones increases or decreases by more than 10 percent since the previous boundary revision; or

(f) Five of the seven commissioners approve a resolution to revise the boundaries.

(9) With the assistance of the district director, engineer, and attorney, revisions to

the boundaries of the seven zones shall result in the population of each zone being no less than 13.58 percent of the total population of the district and no greater than 15 percent of the total population of the district according to the latest census or official population determination.

(10) Each commissioner, before entering upon his or her official duties, shall take and subscribe to an oath of office as prescribed in section 298.13 [Supervisors Oath of Office], Florida Statutes.

(11) All commissioners shall hold office for the terms for which they are elected or appointed and until their successors shall be chosen and qualify. In case of a vacancy in the office of any commissioner, the remaining commissioner or commissioners, even though less than a quorum, may fill such vacancy for the unexpired term of the commissioner who vacated his or her office.

(12) At the first meeting of the board following the effective date of Chapter 2007-308, Laws of Florida (June 15, 2007), and at the first regularly scheduled meeting of the board following certification of the general election in the month of November of every even-numbered year thereafter, the board shall organize by electing from their members a chairperson, vice chairperson, a secretary, and a treasurer of the board. The chairperson shall preside at all meetings. In the chairperson's absence, the vice chairperson shall preside over the meeting and have the same powers as the chairperson. In the absence of both the chairperson and vice chairperson, the board members who are present shall select a member of the board by majority vote of those members present who shall preside over the meeting as acting chairperson and have the same powers as the chairperson.

(13) A majority of the members of the board shall constitute a quorum.

(14) Except as stated in sections 12 and 14, the commissioners of the district shall not receive any benefits, including, but not limited to, state or district retirement, health insurance, medical insurance, dental insurance, or life insurance.

(15) The board shall keep a permanent record book entitled "Record of Proceedings of South Broward Drainage District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be opened to the inspection of any elector, landowner, taxpayer, resident, or bondholder of the district, and such other persons as the board may determine to have a proper interest in the proceedings of the board. Such record book shall be kept at any office or other regular place of business maintained by the board in Broward County.

SECTION 11. Appointment and duties of district director.

For the purpose of preserving any ditch, road, drain, dike, levee, or other work constructed or erected under the provisions of this charter or under the provisions of chapter 298, Florida Statutes, and for the taking care and the operation of the equipment owned by the district and the maintenance of the canals and other works of the district, including the removal of obstructions from the same, and such other duties as may be

prescribed by the board, the board may employ a district director who shall have charge and supervision of the works of the district.

SECTION 12. Compensation of board.

Each commissioner shall be entitled to receive for his or her services an amount approved by resolution of the board not to exceed \$400.00 per month. In addition, each commissioner shall receive reasonable travel expenses for attending the place of meeting from his or her residence. Unless the board by resolution otherwise provides, such travel expenses shall not be in excess of the amounts provided by law for state and county officials.

SECTION 13. Powers

The district shall have, and the board may exercise, any or all the following powers:

(1) To contract and be contracted with; to sue and be sued in the name of the district; to adopt and use a seal; to acquire by purchase, gift, devise, condemnation, eminent domain, or otherwise, property, real or personal, or any estate therein, within or without the district, to be used for any purpose necessary or to meet the needs of any of the purposes of this charter.

(2) To establish, construct, operate, and maintain a system of main and lateral canals, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways, pumping stations, syphons, culverts, and storm sewers, and to connect some or any of them as within the judgment of the board is deemed advisable to drain and provide water management services for the lands within the district.

(3) To acquire and maintain appropriate sites for storage and maintenance of the equipment of the district; and to acquire and maintain and construct a suitable building to house the office and records of the district.

(4) To clean out, straighten, widen, open up, or change the course and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream as within the judgment of the board is deemed advisable to drain and provide water management services for the lands within the district; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage purposes; to construct, operate, and maintain irrigation works and machinery in connection with the purposes herein set forth.

(5) To regulate and set forth by appropriate resolution the drainage and water management requirements and conditions to be met for the land within the district and for plats to be entitled to record on any land within the district, including authority to require as a condition precedent for any platting, that good and sufficient bond be posted to assure proper drainage and water management for the area to be platted.

(6) To borrow money and issue bonds, certificates, warrants, notes or other evidences of indebtedness of the district as hereinafter provided.

(7) To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district; to acquire, construct, operate, maintain, use, sell, convey, transfer, or otherwise provide for machines and equipment for drainage and water management purposes; and to contract for the purchase, construction, operation, maintenance, use, sale, conveyance, and transfer of the said machinery and equipment.

(8) To construct or enlarge, or cause to be constructed or enlarged, any and all bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, easement, reservation, tract, grade, fill, or cut; to construct roadways over levees and embankments; to construct any and all of said works and improvements across, through, or over any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, easement, reservation, track, grade, fill, or cut in or out of the district; and to remove any fence, building or other improvements, in or out of the district for purposes of drainage and water management.

(9) To hold, control, and acquire by donation, purchase, or condemnation, any easement, reservation or dedication in or out of the district, for any of the purposes herein provided. To condemn or acquire, by purchase or grant or by exercise of the right of eminent domain, for use in the district, any land or property within or without the district and acquire or condemn any other property within or without the district. To exercise the right of eminent domain as provided by chapters 73 [Eminent Domain] and 74 [Proceedings Supplemental to Eminent Domain], Florida Statutes.

(10) To assess and impose an annual assessment or tax as hereinafter provided on all assessable property within the district for the purposes as herein provided.

(11) To impose and foreclose special assessment liens as hereinafter provided.

(12) To prohibit, regulate, and restrict by appropriate resolution all structures, materials, and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to, or be a part of any of the main or lateral drains, ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, and syphons which may have been heretofore created or which may hereafter be created or hereafter constructed, and if deemed necessary, to take appropriate action as may be required of the district by another governmental agency having jurisdiction over the district. Notwithstanding the above, the district's designated water control elevations shall be maintained in accordance with the terms of the district's South Florida Water Management District permits and any agreements that may be entered into between the district, South Florida Water Management District, and any other governmental entity. When reviewing all submitted permit applications, including, but not limited to, all district projects, the district shall take into consideration the water control elevations in the design, construction, and maintenance of all drainage and water management facilities such that the design, construction, and maintenance within the district will not adversely impact the designated water control elevations.

(13) To administer and provide for the enforcement of all of the provisions herein, including the making, adopting, promulgating, amending, and repealing of all rules, criteria, and regulations necessary or convenient for the carrying out of the duties, obligations, and powers conferred on the district created hereby.

(14) To cooperate with or contract with other drainage districts or other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the district as stated in this charter.

(15) To employ engineers, attorneys, agents, employees, and representatives as the board may from time to time determine necessary and to fix their compensation and duties.

(16) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties or purposes of said district as stated in this charter.

(17) To construct, improve, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban subdivision, homesites, and other beneficial developments as a result of the drainage and water management operations of the district.

(18) To make use of any dedication to public use, platted and dedicated easements or reservations within or without the boundaries of the district.

(19) To exercise any and all other powers conferred upon drainage and water control districts by chapter 298, Florida Statutes, including, but not limited to, the power to acquire and construct drainage and water management improvements, to issue bonds to pay the cost thereof, and to levy and collect assessments and taxes upon lands benefited by the improvements.

SECTION 14. Treasurer; depositories; fiscal agent.

(1) The board shall as provided by subsection 10(12) elect a member of the board, as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the board by warrant or check signed by the treasurer, or by such other person as may be authorized by the board. The treasurer may not hold any other office provided for in this charter. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate, and fix his or her compensation; and may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.

(2) The board is authorized to select as depositories in which the funds of the board and of the district shall be deposited any banking corporation organized under the

laws of the state or under the national banking act, doing business in the state, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

(3) The board may employ a fiscal agent, who shall be either a resident of the state or a corporation organized under the laws of this or any other state and authorized by such laws to act as such fiscal agent for municipal corporations in the state and who shall assist in the keeping of the tax books, the collection of taxes, and the remitting of funds to pay maturing bonds and coupons, and perform such other or additional services and duties as fiscal agent and receive such compensation as the board may determine.

SECTION 15. Authority for the establishment of district projects.

The board shall have exclusive jurisdiction and control over all of the district, including, but not limited to, all drainage and reclamation facilities, except to the extent otherwise provided in this charter and except to the extent that the board may by agreement with any other public or private body authorize the same to exercise jurisdiction or control over any of the projects of the district. It shall not be necessary for the district to obtain any license, permit, or other authorization from any board, commission, or like instrumentality of Broward County or any political subdivision therein in order to construct, reconstruct, acquire, extend, repair, improve, maintain, or operate any project.

SECTION 16. Exercise by district of its powers within municipalities.

Except as otherwise provided in this charter, the district shall have the power to exercise any of its rights, powers, privileges, and authorities in any and all portions of the district lying within the boundaries of the City of Hollywood, the City of Pembroke Pines, the City of Miramar, and any other municipal corporation (Town of Davie and Town of Southwest Ranches) or other political subdivision, heretofore or hereafter created or organized, whose boundaries lie wholly or partly within the geographical limits of the district, to the same extent and in the same manner as in areas of the district now incorporated as part of a municipality.

SECTION 17. Seal.

The official seal of the South Broward Drainage District hereby established shall bear the legend "South Broward Drainage District, Broward County, Florida, Seal, Established 1967".

SECTION 18. Fiscal year.

The board, by resolution, shall establish the fiscal year for the district.

SECTION 19. Annual budget.

Prior to the end of each fiscal year, the treasurer of the board or the director of the district shall prepare a proposed budget to be submitted to the board for approval. The proposed budget shall include an estimate of all necessary expenditures of the district for the next ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this charter. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the treasurer or director or modify the same in part or in whole. The board shall indicate their approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in Broward County once a week for 2 consecutive weeks, provided that the second publication shall not be less than 7 days after the first publication. The notice shall be directed to all landowners in the district and shall state the purpose of the meeting. The notice shall further contain a designation of the date, time, and place of the public hearing, which shall be not less than 7 days after the second publication. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed, and make such changes as the board deems necessary. At the conclusion of the budget hearing the board shall, by resolution, adopt the budget as finally approved by the board.

SECTION 20. Notice and call of board meetings.

(1) The board shall publish notice of all meetings of the board at least 7 days prior to such meeting in a newspaper of general circulation in Broward County. Meetings of the board shall be held in a public place, or any other place made available for the purpose of such meeting, in Broward County, and the place, date, and hour of holding such meeting and the purpose thereof shall be stated in the notice.

(2) The board may call special meetings at any time to receive reports of the board or for such other purpose as the board may determine. In the event of an emergency as determined by the district director, the chairperson, or the vice chairperson of the board which requires immediate board action, such notice as is reasonable under the circumstances shall be provided.

SECTION 21. Water Control Plan.

The district's water control plan for the drainage and water management of lands which is in effect prior to the effective date of this charter shall remain in full force and effect after the effective date of this charter.

SECTION 22. Adoption, revision and revocation of water control plan.

In addition to and not in limitation of its power to provide for and adopt a water control plan provided in section 21 and under chapter 298, Florida Statutes, and amendments thereto, the board may at any time and from time to time adopt, revoke or modify, in whole or in part, any water control plan or any plan providing for the drainage and water management of lands within the district, and may provide for such new and additional drainage and water management facilities, canals, ditches, levees, and other works as the board may determine. In connection with the revision of any water control plan or the

providing of any new or additional drainage and water management facilities, canals, ditches, levees, or other works, or in the event that the total taxes and assessments theretofore levied or the funds derived from the sale of bonds are insufficient to pay the cost of any drainage or water management works, benefits may be reassessed, additional assessments made, and taxes levied in accordance with the procedures provided in this charter or in chapter 298, Florida Statutes. The board may at any time approve and make effective technical changes or modifications in any water control plan not affecting assessed benefits, levy of taxes, or the security of bondholders.

SECTION 23. Assessing land for drainage and water management; apportionment of tax; tax record.

The board shall, without any unnecessary delay, levy a tax of such portion of benefits of the district's water control plan on all lands in the district to which benefits have been assessed, as may be found necessary by the board to pay the costs of the completion of the proposed works and water management and drainage improvements, as shown in said water control plan and in carrying out the objectives of said district; and, in addition thereto, 10 percent of said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract or parcel of land in said district; and in case bonds are issued, as provided in this charter, a tax shall be levied in a sum not less than an amount 90 percent of which shall be equal to the principal of said bonds. The amount of bonds to be issued for paying the cost of the works as set forth in the water control plan shall be ascertained and determined by the board; however, the total amount of all bonds to be issued by the district shall in no case exceed 90 percent of the benefits assessed upon the lands of the district. The amount of the interest, as estimated by said board, which will accrue on such bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are equal to, or in excess of, the benefits assessed. The secretary or treasurer of the board, or the director, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well bound book, which book shall be endorsed and named "TAX RECORD OF SOUTH BROWARD DRAINAGE DISTRICT, BROWARD COUNTY, FLORIDA", which endorsement shall be printed or written at the top of each page in said book, and shall be signed and certified by the chairperson and secretary or treasurer of the board, attested by affixing the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary, treasurer, or director. In the alternative, so long as the Broward County property appraiser or revenue collector assesses and collects the taxes and assessments authorized by this section, the records of the Broward County property appraiser shall satisfy the requirements of the tax record of the district.

SECTION 24. Prepayment of taxes or assessments.

The board may provide that any tax or assessment may be paid at any time before

due, together with interest accrued thereon to the date of prepayment and any prepayment premiums or penalties, if such prior payment shall be permitted by the proceedings authorizing any bonds or other obligations for the payment of which special assessments have been pledged or taxes levied.

SECTION 25. Tax liens.

All taxes of the district provided for in this charter or chapter 298, Florida Statutes, together with all penalties for default in the payment of the same and all costs in collecting the same including a reasonable attorney's fee fixed by the court and taxed as cost in the action brought to enforce payment, shall from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes which lien may be enforced against such property as though no such sale thereof had been made. The provisions of section 194.171 [Circuit Court to Have Original Jurisdiction in Tax Cases], Florida Statutes, and amendments thereto, shall be applicable to district taxes with the same force and effect as if said provisions were expressly set forth in this charter.

SECTION 26. Issuance of bond anticipation notes.

In addition to the other powers provided for in this charter and not in limitation thereof, the district shall have the power, at any time and from time to time after the issuance of any bonds of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in denomination or denominations, bear interest as provided by section 31, mature at such time or times not later than 5 years from the date of issuance, be renewable for an additional term or terms in the aggregate not in excess of 5 years from the date of first renewal, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale, or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but in such event a like amount of the bonds authorized shall not be issued.

SECTION 27. Short term borrowing.

The district, at any time, may obtain loans, in such amount and on such terms and

conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall have a term not exceeding 2 years from the date of issuance thereof, and may be renewable for a like term or terms, shall bear interest as provided by section 31, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt signed on behalf of the district by any member of the board duly authorized by the board, such notes or other evidences of indebtedness to be payable at such times, to bear interest as provided by section 31, and to be sold or discounted at such price or prices and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the qualified electors who are freeholders residing in the district shall not be necessary except where required by the constitution.

SECTION 28. Trust agreements.

In the discretion of the board, any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the district in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects, the fixing and revising of the rates, fees, tolls, fares and charges, and the custody, safeguarding and application of all moneys, and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

SECTION 29. Sale of bonds.

Bonds may be sold in blocks or installments at different times, or an entire issue or

series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable but not in any event at less than 95 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the district of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchanged for any property, real, personal or mixed, including franchises, or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged or delivered may be:

- (A) The money paid for the bonds;
- (B) The principal amount, plus accrued interest to the date of redemption or exchange, of outstanding obligations exchanged for refunding bonds;
- (C) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds; or
- (D) The fair value of any properties exchanged for the bonds, as determined by the board.

SECTION 30. Authorization and form of bonds.

Bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all of the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced, and need not be published or posted. The board may by resolution authorize the issuance of bonds and fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest as provided by section 31, the denomination of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, the place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether with or without premium), the manner of execution, the form of the bonds including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants, and conditions, thereof, and the establishment of revenue or other funds. Such authorizing resolution may further provide that such bonds may be executed manually or by engraved, lithographed, or facsimile signature, provided that where signatures are engraved, lithographed, or reproduced in facsimile signature, no bond shall be valid unless countersigned by a registrar or other officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

SECTION 31. Maximum allowable interest on district bonds, assessments, and obligations.

Anything in this charter or the laws of the state to the contrary notwithstanding, the maximum allowable interest rate on any bonds, assessments, or obligations of the district that may be issued by or to the district shall be 18 percent or the maximum amount or rate permitted under such general law, whichever is lower.

SECTION 32. Interim certificates: replacement certificates.

Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated or be lost or destroyed.

SECTION 33. Negotiability of bonds.

Any bond issued under this charter and any interim certificate, receipt, or temporary bond shall, in the absence of an express recital on the face thereof that it is nonnegotiable, be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of the state.

SECTION 34. Defeasance.

The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and the interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be paid, or sufficient monies or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient moneys, shall be held or deposited in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease and become void, and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

SECTION 35. Bonds as legal investment or security.

Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this charter shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency, instrumentality, county, municipality or other political subdivision of the state, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal or other public funds, or by insurance companies as required or voluntary statutory deposits.

SECTION 36. Covenants.

Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, taxes, and assessments, the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment, powers and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the district, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the district, the maintenance of deposits to assure the payment of revenues by users of district facilities and services, the discontinuance of district services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

SECTION 37. Validity of bonds; validation proceedings.

(1) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defects in the proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the district may, but is not required to, publish a notice at least once in a newspaper or newspapers published and of general circulation in Broward County, stating the date of adoption of the resolution authorizing such obligations, the amount, the maximum rate of interest, and maturity of such obligations, and the purpose in general terms for which such obligations are to be issued, and further stating that any action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within 20 days after the first publication of such notice, or the validity of such obligations, proceedings, and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such 20 day period, then the validity of such obligations, proceedings, and covenants shall be conclusive, and all persons or parties

whatsoever shall be forever barred from questioning the validity of such obligations, proceedings, or covenants in any court whatsoever.

(2) The power of the district to issue bonds under the provisions of this charter may be determined and any of the bonds of the district may be validated and confirmed by circuit court decree, under the provisions of chapter 75 [Bond Validation], Florida Statutes, and laws amendatory thereof or supplementary thereto.

SECTION 38. Authority for issuance of bonds.

This charter constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officers, commission, department, agency, or instrumentality of the district, other than those required by this charter, shall be required to issue any bonds or to do any act or perform anything under this charter, and the issuance or sale of bonds pursuant to the provisions of this charter need not comply with the requirements of any other law applicable to the issuance or sale of bonds, except as otherwise provided in this charter, and shall not require the consent or approval of any other board, officers, commission, department, agency or instrumentality, of the state or any political subdivision thereof. Except as otherwise provided herein, no proceedings or procedures of any character whatever shall be necessary or required for the issuance of bonds other than the adoption of an appropriate resolution by the board as provided in this charter with respect to the issuance of the same. The powers conferred by this charter on the district with respect to the issuance and sale of bonds shall be in addition and supplemental to the powers conferred by any other law.

SECTION 39. Pledge by the state to the bondholders of the district and to the Federal Government.

The state pledges to the holders of any bonds issued under this charter that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, tolls, fares, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, that it will not in any way impair the rights or remedies of the holders, and that it will not modify in any way the exemption from taxation provided in the charter, until all such bonds together with interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The state pledges to and agrees with the Federal Government that in the event the Federal Government or any agency or authority thereof shall construct or contribute any funds, materials, or property for the construction, acquisition, extension, improvement, enlargement, maintenance, operation, or furnishing of any of the projects of the district, or any part thereof, the state will not alter or limit the rights and powers of the district in any manner which would be inconsistent with the continued maintenance and operation of

such project, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the district and the Federal Government, and the district shall continue to have and may exercise all powers herein granted so long as the board may deem the same necessary or desirable for the carrying out of the purposes of this charter and the purposes of the Federal Government in the construction, acquisition, extension, improvement, enlargement, maintenance, operation, or furnishing of any of the projects of the district, or any part thereof.

SECTION 40. Annual installment taxes.

(1) The board shall annually determine, order and levy the annual installment of the total taxes which are levied under section 23 or under section 298.36, [Lands Belonging to the State Assessed; Drainage Tax Record], Florida Statutes, which shall be due and be collected during each year that county taxes are due and collected and said annual installment and levy shall be evidenced to and certified by the board each year to the Broward County Property Appraiser. Said tax shall be entered by the county property appraiser on the county tax rolls and shall be collected by the Broward County revenue collector in the same manner and same time as county taxes and the proceeds thereof paid to the district. The tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

(2) In the alternative, the board may by resolution determine the amount of taxes as provided by section 298.365 [Collection of Annual Installment Tax; Lien], Florida Statutes, and thereafter the annual installments shall be levied, collected, and enforced as provided in chapter 298, Florida Statutes.

SECTION 41. Administrative, maintenance, and operations tax.

To carry on the business of the district and to pay the administrative, maintenance and operational costs thereof and in addition to any other tax or assessment authorized to be levied, the district is authorized to levy a tax on all the lands within the district as determined by the board for said purpose. This tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes. The amount of the tax shall be determined by the board based upon a report of the secretary or treasurer of the board or the director and assessed by the board upon such lands, which may be all of the lands within the district. This tax shall be evidenced to and certified by the board each year to the property appraiser and shall be entered by the property appraiser on the county tax rolls and shall be collected by the revenue collector in the same manner and time as county taxes and the proceeds therefrom paid to the district.

SECTION 42. Enforcement of taxes.

(1) The collection and enforcement of all taxes levied by the district shall be at

the same time and in like manner as county taxes and the provision of the Florida Statutes relating to the sale, of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith shall be applicable to the district to the same extent as if said statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(2) The provisions of subsection (1) shall not be applicable if the board has determined to levy and collect taxes under section 40(2).

SECTION 43. When unpaid tax is delinquent; penalty.

(1) All taxes provided for in this charter shall become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

(2) The provisions of subsection (1) shall not be applicable if the board has determined to levy and collect taxes under section 40(2).

SECTION 44. Special assessments.

The board may provide for the construction or reconstruction of assessable improvements as defined in section 9, and for the levying of special assessments upon benefitted property for the payment thereof, under provisions of this section. Such special assessments may be levied and assessed in either of the alternate methods provided in subsections (2) and (3), and except for such procedure, all the other provisions of this section and this charter shall apply to levy of such special assessments under either subsection (2) or subsection (3).

(1) The initial proceeding under subsection (2) or subsection (3) shall be the passage by the board of a resolution ordering the construction or reconstruction of such assessable improvements, indicating the location by terminal points and routes and either giving a description of the improvements by its material, nature, character, and size or giving two or more descriptions with the directions that the material, nature, character, and size shall be subsequently determined in conformity with one of such descriptions. Drainage improvements need not be continuous and may be in more than one locality. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may be designated as an assessment district, followed by a letter or number or name to distinguish it from other assessment districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices required by this section. As soon as possible after the passage of such resolution, the district shall prepare,

in duplicate, plans and specifications for each improvement ordered thereby and an estimate of the cost thereof. Such cost shall include, in addition to the items of cost as defined in this charter, the cost of relaying streets and sidewalks necessarily torn up or damaged and the following items of incidental expenses:

- (a) Printing and publishing notices and proceedings.
- (b) Costs of abstracts of title.
- (c) Any other expense necessary or proper in conducting the proceedings and work provided for in this section, including the estimated amount of discount, if any, financial expenses upon the sale of assessment bonds or any other obligations issued hereunder for which such special assessment bonds or any other obligations issued hereunder for which such special assessments are to be pledged, and interest prior to and until not more than 2 years after the completion of said assessable improvements. If the resolution shall provide alternative descriptions of material, nature, character, and size, such estimate shall include an estimate of the cost of the improvement of each such description.

The district shall next prepare, in duplicate, a tentative apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and in relation to apportionment of cost provided herein for the preliminary assessment roll. Such tentative apportionment of total estimated cost shall not be held to limit or restrict the duties of the director in the preparation of such preliminary assessment roll under subsection (2). One of the duplicates of such plans, specifications, and estimates and such tentative apportionment shall be filed with the secretary of the board and the other duplicate shall be retained by the director in his or her files, all thereof to remain open to public inspection.

(2)(a) If the special assessments are to be levied under this subsection, the secretary of the board, or the director, upon filing with the secretary of such plans, specifications, estimates, and tentative apportionment of cost, shall publish once in a newspaper published in the county where the benefited land is located and of general circulation in the county, a notice stating that at a meeting of the board on a certain day and hour, not earlier than 15 days from such publication, the board will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location thereof, and shall also state that plans, specifications, estimates, and tentative apportionment of cost thereof are on file with the secretary of the board or the director. A copy of the notice shall be mailed to the landowners of the land to be benefited by construction of the assessable improvements. The landowners shall be determined by reference to the last available tax roll of Broward County. The secretary of the board or the

director shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the secretary of the board or the director to mail a copy of such notice to such person, firm, or corporation at such address at least 10 days before the time for the hearing as stated in such notice, but the failure of the secretary of the board or the director to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

(b) At the time named in such notice, or to which an adjournment may be taken by the board, the board shall receive any objections of interested persons and may then or thereafter repeal or confirm such resolution with such amendments, if any, as may be desired by the board and which do not cause any additional property to be specially assessed.

(c) All objections to any such resolution on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing, in person or by attorney, and filed with the secretary of the board or the director at or before the time or adjourned time of such hearing. Any objections against the making of any assessable improvements not so made shall be considered as waived, and, if any objections shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issue presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within 20 days.

(d) Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefitted property for the payment thereof shall have been confirmed, and said special assessments are levied under this subsection, or at any time thereafter, the board may issue assessment bonds payable out of such assessments when collected. Such bonds shall mature not later than 2 years after the maturity of the last annual installment in which said special assessments may be paid, as provided in subsection (4) hereof, and shall bear interest as provided by section 31. Such assessment bonds shall be executed, shall have such provisions for redemption prior to maturity and shall be sold in the manner and be subject to all of the applicable provisions contained in this charter applicable to other bonds, except as the same are inconsistent with the provisions of this section. The amount of such assessment bonds for any assessable improvement, prior to the confirmation of the preliminary assessment roll provided for in this subsection shall not exceed the estimated amount of the cost of such assessable improvements which are to be specially assessed against the lands and real estate referred to in this section.

(e) After the passage of the resolution authorizing the construction or reconstruction of assessable improvements has been confirmed where special assessments are levied under this subsection or after the final confirmation of the assessment roll where such assessments are levied under subsection (3), the board may publish at least once in a newspaper published and of general circulation in the county where the benefited land is located, a notice calling for sealed bids to be received by the board on a date not earlier than 15 days from the first publication for the construction of the work, unless in the initial resolution the board has declared its intention to have the work done by district forces without contract. The notice shall refer in general terms to the extent and nature of the improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution has given two or more alternative descriptions of the assessable improvements as to its material, nature, character, and size, and, if the board has not theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more of such assessable improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The notice shall require bidders to file with their bids either a certified check drawn upon an incorporated bank or trust company in such amount or percentage of their respective bids, as the board deems advisable, or a bid bond in like amount with corporate surety satisfactory to the board to ensure the execution of a contract to carry out the work in accordance with such plans and specifications and ensure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate surety satisfactory to the board conditioned for the performance of the work in accordance with such contract. The board shall have the right to reject any or all bids, and, if all bids are rejected the board may re-advertise or may determine to do the work by the district forces without contract.

(f) Promptly after the completion of the work, in the case of special assessments levied under this subsection, the director, or his or her designee, who is hereby designated as the official of the district to make the preliminary assessment of benefits from assessable improvements, shall prepare a preliminary assessment roll and file the same with the secretary of the board which roll shall contain the following:

1. A description of abutting lots and parcels of land or lands which will benefit from such assessable improvements and the amount of such benefits to each such lot or parcel of land. There shall also be given the name of the owner of record of each lot or parcel, where practicable, and in all cases there shall be given a statement of the method of assessment used for determining the benefits.
2. The total cost of the improvements and the amount of incidental expense.

(g) The preliminary roll shall be advisory only and shall be subject to the action of the board as hereafter provided. Upon the filing with the secretary of the board or the director of the preliminary assessment roll, the secretary of the board or the director shall publish at least once in a newspaper published and of general circulation in the county where the benefited land is located, a notice stating that at a meeting of the board to be held on a certain day and hour, not less than 15 days after the date of such publication, which meeting may be a regular, adjourned, or special meeting, all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state the class of the assessable improvements and the location thereof by terminal points and route.

(h) At the time and place stated in such notice the board shall meet and receive the objections in writing of all interested persons as stated in such notice. The board may adjourn the hearing from time to time. After the completion thereof the board shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any or all lots or parcels described therein or by canceling, increasing, or reducing the same, according to the special benefits which the board decides each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from the preliminary roll or if the prima facie assessment has not been made against it, the board may place on such roll an apportionment to such property. The board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation such assessment roll shall be delivered to the secretary of the board or the director. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within 30 days in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the secretary of the board or the director shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be abated by the court, unless the assessment upon all benefited property be abated, or the amount by which such assessment is so reduced, may, by resolution of the board be made chargeable against the district at large; or, at the discretion of the board, a new assessment roll may be prepared and confirmed in the manner herein provided for the preparation and confirmation of the original assessment roll.

(i) Pending the final confirmation of such special assessments in the manner provided in this subsection, the district shall have a lien on all such lands and real estate after the passage of the initial resolution, subject, however, to the final confirmation thereof in the manner provided in this subsection.

(3)(a) The district, under the procedure provided for in this subsection shall next, after passage of the initial resolution and filing of the plans and estimates of cost, prepare an assessment roll for the district in duplicate, which assessment roll shall contain

an apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to the special assessment under the initial resolution, such apportionment to be made in accordance with the provisions of the initial resolution. One of the duplicates of said assessment roll shall be filed with the secretary of the board and the other duplicate shall be retained by the director in his or her files, all thereof to remain open to public inspection.

(b) Upon the completion and filing of said assessment roll, the secretary of the board or the director shall cause a copy thereof to be published once in a newspaper published in the county where the benefitted land is located and of general circulation in the county, together with a notice directed to all property owners interested in the special assessments stating that at a meeting of the board on a certain day and hour, not earlier than 15 days from such publication, the board sitting as an equalizing board, will hear objections of all interested persons to the final confirmation of such assessment roll, and will finally confirm such assessment roll or take such action relative thereto as it deems necessary and advisable. A copy of the notice shall be mailed to the landowners of the land to be benefitted by construction of the assessable improvements. The landowners shall be determined by reference to the last available tax roll of Broward County. The secretary of the board or the director shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the secretary of the board or the director to mail a copy of such notice to such person, firm, or corporation at such address at least 10 days before the time for the hearing as stated in such notice, but the failure of the secretary of the board or the director to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

(c) At the time and place named in the notice provided for in paragraph (b), the board shall meet as an equalizing board to hear and consider any and all complaints as to said special assessments, and shall adjust and equalize the said special assessments on a basis of justice and right, and, when so equalized and approved, such special assessment shall stand confirmed and remain legal, valid, and binding liens upon the properties upon which such special assessments are made, until paid in accordance with the provisions of this charter. However, upon the completion of such improvements, if the actual cost of the assessable improvements is less than the amount of such special assessments levied, the district shall rebate to the owners of any properties which shall have been specially assessed for such assessable improvements the difference in the special assessments as originally made, levied, and confirmed, and the proportionate part of the actual cost of said assessable improvements as finally determined upon the completion of said assessable improvements. In the event that the actual cost of said assessable improvements shall be more than the amount of the special assessments confirmed, levied, and as finally determined upon the completion of said assessable improvements, the proportionate part of such excess cost of such assessable

improvements may be levied against all of the lands and properties against which such special assessments were originally levied, or, in the alternative, the board may, in its discretion, pay such excess cost from any legally available funds.

(d) All objections to any such assessment roll on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the assessment roll or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing, in person or by attorney, and filed with the secretary of the board or the director at or before the time or adjourned time of such hearing on the assessment roll. Any objections against the making of any assessable improvements not so made shall be considered as waived, and, if any objections shall be made and overruled or shall not be sustained, the confirmation of the assessment roll shall be the final adjudication of the issue presented unless proper steps are taken in a court of competent jurisdiction to secure relief within 20 days.

(e) All the provisions of subsection (2) not inconsistent with this subsection, shall apply to the levy of special assessments under this subsection.

(4)(a) Any assessment may be paid at the office of the secretary of the board or the director within 60 days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal installments, with interest as provided by section 31 from the expiration of the 60 days in each of the succeeding number of years which the board shall determine by resolution, not exceeding 20. However, the board may provide that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment, if such prior payment shall be permitted by the proceedings authorizing any assessment bonds or other obligations for the payment of which such special assessments have been pledged.

(b) All such special assessments levied pursuant to this charter may, in the discretion of the board, be collected by the revenue collector of the county at the same time as the general county taxes are collected by the revenue collector of the county, and the board shall in such event certify to the county revenue collector and county property appraiser in each year a list of all such special assessments and a description of, and names of the owners of, the properties against which such special assessments have been levied and the amounts due thereon in such year, and interest thereon for any deficiencies for prior years. The amount to be so certified by the board to the county revenue collector and county property appraiser to be collected in such year may include, in the discretion of the board, the principal installment of such special assessments which will become due at any time in the next succeeding fiscal year, and all or any part of the interest which will become due on such special assessments during such next fiscal year, together with any deficiencies for prior years.

(c) The board may, in lieu of providing for the collection of the special assessments by the revenue collector of the county, provide for the collection of said

special assessments by the district under such terms and conditions as the board shall determine. In such event, the bills or statements for the amounts due in any fiscal year shall be mailed to the owners of all properties affected by such special assessments at such time or times as the board shall determine and such bills or statements may include all or any part of the principal and interest which will mature and become due on the annual installments of such special assessments during the fiscal year in which installments of such assessments are payable.

(d) All charges of the county revenue collector, county property appraiser, or the district, and the fees, costs, and expenses of any paying agents, trustees, or other fiduciaries for assessment bonds issued under this charter, are deemed to be costs of the operation and maintenance of any drainage improvements in connection with which such special assessments were levied and the board shall be authorized and directed to provide for the payment each year of such costs of collection, fees, and other expenses from the administrative, maintenance, and operations tax as provided in this charter as shall be mutually agreed upon between the board and the county revenue collector and county property appraiser as additional compensation for their services for each such assessment district in which the special assessments are collected.

(e) All assessments shall constitute a lien upon the property so assessed, from the date of final confirmation thereof, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the line of assessments as a lien for mortgages is or may be foreclosed under the laws of the state; provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if, prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of subsection (2) or subsection (3), and by this subsection, and all costs, including interest and attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution passed pursuant to this subsection and the proceedings shall be dismissed. It shall be the duty of the board to enforce the prompt collection of assessment by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this charter in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than 30 days after the annual installments are due and payable, it shall be the duty of the board to direct the attorney for the district to institute actions within 2 months after such direction to enforce collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all

property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney for the district, and the same shall be collectable as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district may be sold or otherwise disposed of.

(f) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any assessable improvements for which assessment bonds shall have been issued under the provisions of this charter, or which have been pledged as additional security for any other bonds or obligations issued under this charter, shall be used only for the payment of principal or interest on such assessment bonds or other bonds or obligations issued under this charter.

SECTION 45. Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.

(1) The board may, after any assessments for assessable improvements are made, determined, and confirmed as provided in section 44, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefitted, as the case may be, and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates as provided by section 31, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in subsection (1) may be deposited; or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this charter unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens

deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board. However, the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

(4) Such assessment bonds or other obligations issued under this section shall bear interest as provided by section 31, shall be executed, shall have such provisions for redemption prior to maturity, and shall be sold in the manner and be subject to all of the applicable provisions contained in this charter for revenue bonds, except as the same may be inconsistent with the provisions of this section.

(5) All assessment bonds or other obligations issued under the provisions of this charter, except certificates of indebtedness issued against separate lots or parcels of land or property as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the laws of the state.

Section 46. Foreclosure of Liens.

(1) Any lien in favor of the district arising under chapter 298, Florida Statutes, or under this charter may be foreclosed by the district by bringing foreclosure proceedings in the name of the district in the circuit court in like manner as is provided in chapter 173 [Foreclosure of Municipal Tax and Special Assessment Liens], Florida Statutes, and amendments thereto, and the provisions of the chapter shall be applicable to such proceedings with the same force and effect as if the provisions were expressly set forth in this charter. Any act required or authorized to be done by or on behalf of a city or town in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the board may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent.

(2) As an alternative to the foregoing, the district may at any time foreclose any

lien for delinquent taxes or installments thereof by a chancery action brought in the name of the district in the circuit court. The pleadings, process, practice, and sales in such proceedings shall be the same as in actions for the foreclosure of mortgages upon real property. One or more parcels of land may be included in the same suit.

(3) In any foreclosure action filed by the district pursuant to this section, the district may join as a party defendant Broward county, for the purpose of determining the amount of their respective tax liens. When the county is so joined in such a foreclosure action, the judicial sale held in such action shall operate to satisfy all county tax liens to the date of such sale. The decree of the court in any such foreclosure action shall operate to quiet title to the property that is the subject of the action.

SECTION 47. Payment of taxes and redemption of tax liens by the district; sharing in proceeds of tax sale under section 197.542, Florida Statutes.

- (1) The district has the right to:
- (a) Pay any delinquent state, county, district, municipal or other tax or assessment upon lands located wholly or partially within the boundaries of the district.
 - (b) Redeem or purchase any tax sales certificate issued or sold on account of any state, county, district, municipal or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes, upon all the real property against which said taxes were levied. The lien of the district may be foreclosed in the manner provided in this charter.

(3) In any sale of land pursuant to section 197.542 [Sale at Public Auction], Florida Statutes, and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale, the amount of taxes due to the district upon the lands sought to be sold, and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this charter and under law.

SECTION 48. Changing boundary lines; annexation and exclusion of lands.

(1) Whenever the owners of a majority of the acreage of the land within a prescribed area adjacent to the boundaries of the district petitions the board to include a

specific area of lands within the boundaries of the district or when the board by resolution proposes that an area of land adjacent to the boundaries of the district be included within the boundaries of the district, the board shall publish once a week for 2 consecutive weeks in a newspaper of general circulation published in Broward County describing the boundaries of the area which is proposed to be taken into the boundaries of the district. The notice shall be directed to the landowners within the area proposed to be taken into the boundaries of the district and shall direct said landowners to show cause in writing before the board at a time and place to be stated in such notice why such area of land should not be brought into the boundaries of the district and why the proceedings and powers authorized by this charter should not be exercised by the board. At the time and place stated in said notice the board shall hear all objections of any landowner within the area proposed to be taken into the boundaries of the district and if no objections are made or if said objections, if made, are overruled by the board, the board shall enter in its minutes its findings and adopt a final resolution of annexation confirming the new boundaries of the district as they may be extended. Thereafter, the board may proceed with the development, drainage, and water management of the new area of land brought into the district. If the board shall overrule any landowners' objections as provided herein or if such landowner shall deem himself or herself aggrieved by the aforesaid action of the board, such landowner may within 20 days after the board adopts its final resolution of annexation invoke the jurisdiction of the circuit court for Broward County. When said resolution annexing the new area to the boundaries of the district shall have been adopted by the board, or by a court of competent jurisdiction if such proposed action shall have been challenged by a landowner by the judicial proceedings hereinabove authorized, the board may adopt a water control plan for the newly annexed area and thereafter proceed in a like manner as prescribed in this charter. Upon the adoption of the final resolution of annexation, all provisions of this charter shall apply to the newly annexed area of land. Lands lying within the boundaries of the district may be deannexed in the same manner as the procedure for annexation.

(2) Land added to the district in the manner provided in this section shall, from the time of its inclusion within the district, be subject to all of the taxes and assessments thereafter levied and assessed on other land or property of the district similarly situated. Land or property excluded from the district in the manner provided in this section shall, from the date of such exclusion, be exempt from taxes or assessments thereafter imposed by the district but shall not be exempt from taxes or assessments theretofore levied and due with respect to such land or property, or from subsequent installments of taxes or assessments theretofore levied or assessed with respect thereto, and such taxes or assessments may be enforced and collected by or on behalf of the district in the same manner as if such land or property continued to be within the territorial limits of the district.

(3) Nothing in this section shall permit the annexation or exclusion of lands contrary to the terms, covenants, or conditions of any of the bonds or obligations of the district, or in any manner that would impair the security of the holders of any bonds or other obligations of the district.

SECTION 49. Unit development; powers of board to designate units of district and adopt system of progressive drainage by units; water control plans and financing assessments for each unit; amendment of unit plan.

(1) The board is authorized in its discretion to drain and provide water management and place under water control or more completely and intensively to drain and provide water management and place under water control the lands in the district by designated areas or parts of the district to be called "units". The units into which the district may be so divided shall be given appropriate numbers or names by the board, so that the units may be readily identified and distinguished. The board shall have the power to fix and determine the location, area, and boundaries of lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage and water management provided by this section may be conducted and all of the proceedings by this section and this charter authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and providing water management for the entire district has been or is being or shall be instituted or carried on under the provisions of this charter or under chapter 298, Florida Statutes, or both.

(2) If the board determines that it is advisable to conduct the work of draining and providing water management for the lands in the district by units, as authorized by this section, the board shall, by resolution, declare its purpose to conduct such work accordingly, and shall fix the number, location, and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. The entire district may also be designated as a unit for the proper allocation of such part of the water control and drainage plan as benefits the entire district.

(3) As soon as practicable after the adoption of such resolution, the board shall publish notice once a week for 2 consecutive weeks in a newspaper or newspapers published and of general circulation in Broward County, briefly describing the units into which the district has been divided and the lands embraced in each unit, giving the name, number or other designation of such units, requiring all owners of lands in the district to show cause in writing before the board at a time and place to be stated in such notice why such division of the district into such units should not be approved, and the system of development by units should not be adopted and given effect by the board, and why the proceedings and powers authorized by this section should not be had, taken and exercised. At the time and place stated in the notice, the board shall hear all objections or causes of objection, all of which shall be in writing, of any landowner in the district who may appear in person or by attorney, to the matters mentioned and referred to in such notice, and, if no objections are made, or if objections are made and overruled by the board, then the board shall enter in its minutes its finding and order confirming the resolution, and may thereafter proceed with the development, drainage, and water management of the district by units pursuant to such resolution and to the provisions of this charter. The failure to make objections as provided in this subsection shall constitute a waiver of such objection,

and, if any objection shall be made and overruled or otherwise not sustained, confirmation of the resolution shall be the final adjudication of the issues presented unless a judicial proceeding is initiated within 10 days after such ruling.

(4) The board may, as a result of any objections or of other matters brought forth at such hearing, modify or amend said resolution in whole or in part, confirm said resolution after overruling all objections, or reject said resolution and, if such resolution is confirmed, modified, or amended, may proceed thereafter in accordance with said resolution as confirmed, modified, or amended. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of the board under this section, but the board may at any time adopt other resolutions under this section and thereupon proceed on due notice in like manner as provided in this section. If the board shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner shall deem himself or herself aggrieved by any action of the board in respect to any objections so filed, such landowner may, within 10 days after the ruling of the board, invoke the jurisdiction of the circuit court for the 17th circuit; and such suits shall be conducted like other chancery suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus.

(5) When the resolutions creating the unit system shall be confirmed by the board, or by the circuit court, if such proposed action shall be challenged by a landowner by the judicial proceedings authorized in this section, the board may adopt a water control plan or plans for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned in like manner as is provided by chapter 298, Florida Statutes, in regard to water control plans for the assessments of benefits and damages of the entire district, or in like manner as is provided for in this charter for the assessments of benefits. The board shall have the same powers in respect to each and all of such units as is vested in them with respect to the entire district. All the provisions of this charter shall apply to the drainage, water management, and improvement of each, any, and all such units, and the enumeration of or reference to specific powers or duties of the commissioners or any other officers or other matters in this charter, as set forth in this charter, shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and water management of such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this charter where the entire district is mentioned or referred to. Unless the board by resolution otherwise provides, all assessments, levies, taxes, bonds, and other obligations made, levied, assessed, or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made, or issued, and not upon the remaining units or lands in the district.

(6) The board may at any time amend its resolution by changing the location and description of lands in any such unit or units, provided that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be

published as required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units.

(7) If, after the determination of benefits with respect to any unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the board finds the water control plan of any such unit or units insufficient or inadequate for efficient development, the water control plan may be amended or changed as provided in chapter 298, Florida Statutes, or as provided in this charter, and the unit or units may be amended or changed as provided in this section by changing the location and description of lands in any such unit or units or by detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of not less than the holders of a majority in principal amount of such bonds or other obligations, or such other percentage as may be required by the terms of such bonds or other obligations, or without such consent or approval, if the proceedings authorizing such bonds provide that such action may be taken without the consent or approval of the holders thereof. In the event of such amendment or change, all assessments, levies, taxes, bonds, or other obligations made, levied, assessed, incurred, or issued for or in respect to any such unit or units shall be allocated and apportioned to the amended unit or units in proportion to the benefits assessed with respect to the amended water control plan. In the event of the change of the boundaries of any unit as provided in this section and the allocation and apportionment to the amended unit or units or assessments, levies, taxes, bonds, and other obligations in proportion to the benefits assessed for the amended water control plan, the holders of bonds or other obligations hereafter issued for the original unit shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended water control plan. Conversely, in the event of the change of the boundaries of any unit wherein lands are detached therefrom, as provided for in this section, said lands so detached shall be relieved and released from any further liability for the assessment, levy or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

SECTION 50. Creation of subdistricts.

The board shall provide for the furnishing of the services and facilities authorized by this charter throughout the district or in such part or parts thereof as the board shall

determine. For the purpose of furnishing such services and facilities to any part or parts of the district less than the entire area of the district, the board shall have the power to divide the district into such subdistricts, units, or zones as the board may deem appropriate.

SECTION 51. Mandatory use of certain district facilities and services.

The district may require all lands, buildings, and premises, and all persons, firms, and corporations, within the district to use the drainage and water management facilities of the district. Subject to such exceptions as may be provided by the resolutions, rules, or bylaws of the board, and subject to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders, no drainage or water management facilities shall be constructed or operated within the district unless the board gives consent thereto and approves the plans and specifications therefor. The violation of the foregoing requirements is declared to be a criminal offense and misdemeanor within the meaning of section 775.08 [Classes and Definitions of Offenses], Florida Statutes, and shall be punishable as provided by general law.

SECTION 52. Procurement of contractual services and purchase of goods, supplies, and materials.

(1) All contracts let by the board for professional architectural, engineering, landscape architectural, or surveying and mapping services for any project authorized by this charter shall be in compliance with section 287.055 [Acquisition of Professional Architectural, Engineering, Landscape Architectural or Surveying and Mapping Services, Definitions; Procedures; Contingent Fees Prohibited; Penalties (a/k/a Consultants Competitive Negotiation Act)], Florida Statutes. Except as stated herein and as provided by section 287.055, Florida Statutes, no contract shall be let by the board for the construction or maintenance of any improvements authorized under this charter, nor shall any goods, supplies, or materials be purchased, when the amount thereof to be paid by the district shall exceed the threshold amount provided in section 287.017¹ [Purchasing Categories, Threshold Amounts] Florida Statutes, for category two [\$35,000], unless notice of bids shall be advertised once a week for 2 consecutive weeks in a newspaper in general

¹ Chapter 2007-308, Laws of Florida amended Section 53 (now Section 52) of the District's Charter to provide that: "Except as stated herein and as provided by section 287.055, Florida Statutes, no contract shall be let by the board for the construction or maintenance of any improvements authorized under this act (charter), nor shall any goods, supplies, or materials be purchased, when the amount thereof to be paid by the district shall exceed the threshold amount provided in section 287.017(1), Florida Statutes, for category two, unless notice of bids shall be advertised once a week for 2 consecutive weeks in a newspaper in general circulation in Broward County, and in each case the bid of the lowest responsible bidder shall be accepted, unless all bids are rejected because the bids are too high."

Chapter 298.017 was amended by the Florida Legislature in 2010 to provide that the category two threshold amount is now stated in section 297.017(2), Florida Statutes.

Because of this amendment, the statute reference in this charter to the category two threshold amount is now identified as section 287.017, Florida Statutes.

circulation in Broward County, and in each case the bid of the lowest responsible bidder shall be accepted, unless all bids are rejected because the bids are too high. The board may require the bidders to furnish bond with responsible surety to be approved by the board. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project, facility, or improvements authorized under this charter by the employment of labor, material, and machinery.

(2) Notwithstanding the bidding procedure prescribed in subsection (1), if the board determines, by resolution, that the use of competitive bidding is not practicable, contractual services and purchases of goods, supplies, or materials may be procured by competitive sealed proposals. The request for proposals shall include a statement of the services sought or the goods, supplies, or materials requested and all contractual terms and conditions applicable to the procurement of the contractual services or of the goods, supplies, or materials requested. The contract shall be awarded to the responsive offeror whose proposal is determined to be the most advantageous to the district, taking into consideration price and other evaluation criteria set forth in the request for proposals.

(3) If the board determines, by resolution, that an immediate danger to the public health or safety or other substantial loss to the district requires emergency action, the board may proceed with the procurement of contractual services necessitated by the immediate danger without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances.

(4) If no competitive bids or proposals for contractual services or for purchase of goods, supplies, or materials are received, the board may negotiate the best terms and conditions available as determined by the board.

SECTION 53. Furnishing facilities and services within and without the limits of the district.

The district shall have the power to construct, maintain, and operate its projects within or without the geographic limits of the district and to offer, supply, and furnish the facilities and services provided for in this charter, and to collect fees, rentals, and other charges from persons, firms, corporations, municipalities, counties, political subdivisions and other public or private agencies or bodies within or without the geographic limits of the district, and for the use of the district itself.

SECTION 54. Maintenance and operation of projects and drainage and water management facilities.

The district shall have the power to construct, maintain and operate its projects and drainage and water management facilities in, along, on, or under any dedications to the

public, platted or dedicated rights-of-ways, platted or dedicated reservations, streets, easements, water management areas, alleys, highways, or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, railroad right-of-way, easement, reservation, water management area, track, grade, fill, or cut, within or without the district.

SECTION 55. Agreements.

The board, pursuant to general law, shall have the power to retain and enter into agreements with fiscal agents, financial advisers, engineers, and other consultants or advisors with respect to the issuance and sale of any bonds, and the cost and expense thereof may be treated as part of the cost and expense of such project.

SECTION 56. Agreements with municipalities within the district for the joint discharge of common functions.

The board and the governing bodies of any one or more municipalities located wholly or partly within the district, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties, and functions of the board and other officers, agents, and employees of the district, and the respective governing bodies of one or more such municipalities, and their respective officers, agents and employees, to the end that there may be effective cooperation between and coordination of the efforts of such municipalities and the district in discharging their common functions, powers, and duties and in rendering services to the respective residents and property owners of such municipalities and the district. The board and the governing bodies of one or more such municipalities are further authorized to enter into and carry into effect contracts and agreements for the performance of any of their common functions, powers, and duties by a central agency or common agent of the contracting parties.

SECTION 57. Fees, rentals, tolls, fares, and charges: procedure for adoption and modification; minimum revenue requirements.

The district shall have the power to prescribe, fix, establish, and collect rates, fees, rentals, tolls, fares, or other charges, hereinafter sometimes referred to as "revenues", and to revise the same from time to time, for the facilities and services furnished or to be furnished by the district, including, but not limited to, drainage and water management facilities.

SECTION 58. Subdivision regulation.

(1) It is the intent and purpose of this charter to promote and provide for the public health, safety, comfort, convenience, and welfare necessary and required to promote the harmonious, orderly, progressive development of land within the district. It is

the further intent of this charter to secure the establishment of standards of subdivision designs, which will encourage the development of sound and economically stable communities, and the creation of healthful living environments.

(2) Any division of a parcel of land as a subdivision as defined in this charter shall be subject to such plat and subdivision regulations hereafter adopted, amended, or modified by the district under the authority of law. Such regulations may provide for streets in the subdivision to be of such width, grade, and location as to facilitate drainage and water management; provide that adequate easements and rights-of-way be provided for drainage and water management and that the lay-out of the subdivision conform to the comprehensive water control plan for drainage and water management for the area; and provide for the drainage and water management requirements to be met. The district shall not approve any subdivision plat unless the land included within the subdivision is suitable or shall be made suitable to the various purposes for which it is intended to be used, and, in particular, unless all land intended for building sites can be used safely for building purposes, without the danger from flood or other inundation, or from any such menace to health, safety, or public welfare. It shall be unlawful for anyone being an owner, or agent of an owner, of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, or exhibition of, or by any other use of a plat or subdivision of such land, without having submitted a plat of such subdivision to the district and obtaining its approval as required by this charter. The unlawful use of a plat by the owner, or the agent of the owner, of such land before it is properly approved by the district is declared to be a criminal offense and misdemeanor within the meaning of section 775.08, Florida Statutes, and shall be punishable as provided by general law. The description by metes and bounds in the instrument of transfer or other document used in the process of transferring shall not exempt the transaction from such penalties.

(3) It shall be unlawful to transfer lots or units of lots by metes and bounds description in order to circumvent the provisions of this charter.

(4) The district, through its legal representative, may enjoin such transfers or sales or agreements by injunction or other appropriate action.

SECTION 59. Action taken on consent of landowners.

Any action required under this charter or under chapter 298, Florida Statutes, to be taken on notice to the landowners of the district and on public hearing for the purpose of receiving and passing on objections by landowners may be taken without such notice or hearing upon the written consent of all of the landowners affected by such action.

SECTION 60. Exemption of district property from execution.

All district property shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues, provided that

nothing herein contained shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

SECTION 61. Obstructions, damage, and destruction prohibited; damages; enforcement; penalties.

(1) The board or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this charter, including injunctive relief to enjoin or restrain any person violating the provisions of this charter, and any bylaws, resolutions, regulations, rules, codes and orders adopted under this charter, and the court shall, upon proof of such violation, have the duty to issue forthwith such temporary and permanent injunctions as are necessary to prevent such further violation thereof. In case any building or structure, is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this charter, or of any code, order, resolution or other regulation made under authority conferred by this charter or under law, the board and any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or avoid such violation, to prevent the occupancy of such building, structure, land, or water, and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

(2) The violation of any of the provisions of this charter or the failure to abide by and obey any of the bylaws, resolutions, regulations, rules, codes and orders adopted under this charter is declared to be a criminal offense and misdemeanor within the meaning of section 775.08, Florida Statutes, and shall be punishable as provided by general law. Each day that the violation shall continue shall constitute a separation violation.

(3) It shall be unlawful and a misdemeanor for the owner of any land subject to this charter, or the owner's agent or other persons, to advocate, propose, suggest, use, or exhibit a map, plat, survey, or plan of subdivision or development of land except in conformity with this charter and the rules and regulations of the board.

(4) A person may not willfully, or otherwise, obstruct any canal, drain, ditch, watercourse, or water management area or destroy any drainage works constructed in or maintained by the district or obstruct or damage any easement, right-of-way, or other property dedicated to the district or the public or fail to comply with the district's 5-year recertification program, rules, criteria, or regulations.

SECTION 62. Additional land boundaries.

The corporate limits of the South Broward Drainage District in the County of Broward and State of Florida as of October 1, 1992, were extended and enlarged so as to include a portion of Section 30, Township 50 South, Range 40 East, all of Section 31,

Township 50 South, Range 40 East and all of Section 6, Township 51 South, Range 40 East, Broward County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Section 6, Township 51 South, Range 40 East, Broward County, Florida; thence Northerly along the West line of said Section 6, Township 51 South, Range 40 East and along the West line of Sections 31 and 30, Township 50 South, Range 40 East to the intersection thereof with the south right-of-way line of the South Florida Water Management District Canal C-11 (South New River Canal); thence Easterly along the south right-of-way line of said South Florida Water Management District Canal C-11 through Section 30, Township 50 South, Range 40 East, to its intersection with the East line of said Section 30, Township 50 South, Range 40 East; thence Southerly along the East line of said Section 30, Township 50 South, Range 40 East and along the East line of Section 31, Township 50 South, Range 40 East and along the East line of Section 6, Township 51 South, Range 40 East, to the Southeast corner of said Section 6, Township 51 South, Range 40 East; thence Westerly, along the South line of said Section 6, Township 51 South, Range 40 East, to the point of beginning; said land lying, being and situate in Broward County, Florida, and being contiguous to the South Broward Drainage District.

SECTION 63. Bailey Drainage District abolished and assets transferred to South Broward Drainage District.

That effective October 1, 1992, the Bailey Drainage District hereto created by the Florida Legislature pursuant to chapter 67-950, Laws of Florida, and amendments thereto, was abolished. Except as provided by sections 67 and 68, the easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans and all other assets, real or personal, of whatever description and wheresoever situate of said Bailey Drainage District, on October 1, 1992 were surrendered to the Board of Supervisors of the South Broward Drainage District and such easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and all other assets of said Bailey Drainage District shall, by operations and provisions of this section of this charter, become and remain easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and all other assets of the South Broward Drainage District.

SECTION 64. Bailey Drainage District powers, indebtedness and liabilities transferred to South Broward Drainage District.

Commencing on October 1, 1992, all powers, duties, responsibilities, obligations, and functions of Bailey Drainage District except as stated in sections 67 and 68, shall be

performed by South Broward Drainage District and South Broward Drainage District shall assume all indebtedness of Bailey Drainage District. Commencing on October 1, 1992, except as stated in sections 67 and 68, South Broward Drainage District shall assume all liabilities of Bailey Drainage District both known and unknown as of October 1, 1992.

SECTION 65. Bailey Drainage District contracts transferred to South Broward Drainage District.

Commencing on October 1, 1992, all contracts to which Bailey Drainage District is a party shall remain in full force and effect for the period provided in the contract, except that the South Broward Drainage District shall be substituted for Bailey Drainage District as a party to such contracts. The South Broward Drainage District shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same rights and liabilities to perform, to require performance, and to modify and terminate said contracts as the Bailey Drainage District.

SECTION 66. Bailey Drainage District's contracts and agreements to be approved by South Broward Drainage District.

Beginning on March 12, 1992, no contracts or agreements entered into by the Bailey Drainage District which contain obligations of Bailey Drainage District that are not provided for in the Bailey Drainage District budget for fiscal year 1991-1992 shall be valid unless approved by a majority of the board.

SECTION 67. Bailey Drainage District road right-of-way and responsibility for roadways transferred to Board of Commissioners of Broward County

Notwithstanding the provisions of sections 63, 64, 65, and 66, the South Broward Drainage District shall have no requirements or responsibility for maintaining or improving any roadways located within the lands described in section 62 and on October 1, 1992, all road rights-of-way described in section 68 along with the roadways constructed therein were surrendered to the Board of Commissioners of Broward County and by operation and provisions of this section became and shall remain rights-of-way and property of Broward County, subject to all drainage easements previously dedicated to Bailey Drainage District which as of October 1, 1992, are drainage easements of South Broward Drainage District.

SECTION 68. Bailey Drainage District road rights-of-way transferred and dedicated to Broward County.

On October 1, 1992, all of Bailey Drainage District's right, title and interest in and to the following described property, lying, being and situate in Broward County, Florida,

consisting of road rights-of-way were transferred and dedicated to Broward County, a political subdivision of the State of Florida:

SEE EXHIBIT "2" ATTACHED HERETO AND INCORPORATED
HEREIN IN ITS ENTIRETY.

SEE ALSO SECTION 74

SECTION 69. Broward County responsible for operation and maintenance of roadways within lands described in Section 68.

Pursuant to the provisions of chapters 335 [State Highway System] and 336 [County Road System], Florida Statutes, Broward County shall from October 1, 1992, be the governmental entity responsible for operation and maintenance of all roads within the lands described in Section 62 and located within the right-of-way described in Section 68, said roads to be part of the Broward County road system.

SECTION 70. Bailey Drainage District rules, resolutions and regulations to continue and remain in full force and effect.

All existing rules, resolutions and regulations of the Bailey Drainage District not in conflict with the provisions of this charter, shall continue and remain in full force and effect unless and until they are properly repealed or revised by the South Broward Drainage District.

SECTION 71. South Broward Drainage District to have all of its power and authority and jurisdiction over lands described in Section 62.

Commencing on October 1, 1992, the South Broward Drainage District shall have all of the powers and authority and jurisdiction over and within the territory described in Section 62 hereof and of the inhabitants thereof and the property located therein as it had over and within its boundaries prior to October 1, 1992; and all of the laws, regulations, and resolutions of or pertaining to the South Broward Drainage District shall apply to and have the same force and effect on all the territory described in Section 62 as if such territory had been a part of said South Broward Drainage District at the time of passage and approval of such laws, regulations and resolutions.

SECTION 72. Rights of parties to contracts with Bailey Drainage District not affected or abrogated.

Nothing in this charter shall be construed to affect or abrogate the rights of parties to any contracts, whether the same be between Bailey Drainage District and a third party

or between non-governmental entities which contracts were in effect prior to October 1, 1992.

SECTION 73. Record certified copy of chapters 98-524, 2004-459, 2007-308 and 2011-264, Laws of Florida.

A certified copy of chapters 98-524, 2004-459, 2007-308 and 2011-264 laws of Florida, shall be recorded in the Broward County Public Records by the South Broward Drainage District.

SECTION 74. Chapter 99-468, Laws of Florida, not superceded.

Nothing in this charter supercedes chapter 99-468, Laws of Florida.

SECTION 75. Severability.

If any provision of this charter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this charter which can be given effect without the invalid provision or application, and to this end the provisions of this charter are severable.

EXHIBIT "1"
TO
SOUTH BROWARD DRAINAGE DISTRICT CHARTER
(Legal Description of the Seven (7) Commission Zones)
[SEE SECTION 10(5)]

DESCRIPTION OF THAT PART OF DISTRICT LOCATED IN ZONE 1

All of Sections 31, 32 and 33 of Township 50 South, Range 40 East
Together with
All of Sections 4, 5, 6, and 7 of Township 51 South, Range 40 East
Together with
All of Sections 34, 35 and 36 of Township 50 South, Range 39 East
Together with
All of Sections 1, 2, 3, 10, 11 and 12 of Township 51 South, Range 39 East
Together with
All of Sections 28, 29 and 30 of Township 50 South, Range 40 East lying south of
the South Florida Water Management District Canal C-11 right-of-way
Together with
All of Sections 25, 26 and 27 of Township 50 South, Range 39 East lying south of
the South Florida Water Management District Canal C-11 right-of-way
Together with
The North one-half (N ½) of Section 18, of Township 51 South, Range 40 East
Together with
The North one-half (N ½) of Sections 13, 14 and 15 of Township 51 South, Range
39 East.

DESCRIPTION OF THAT PART OF DISTRICT LOCATED IN ZONE 2

All of Sections 19, 30, 31 and 32 of Township 51 South, Range 40 East
Together with
The South one-half (S ½) of Sections 18 and 29 of Township 51 South, Range 40
East
Together with
All of the South one-half (S ½) of Section 28 of Township 51 South, Range 40 East
lying west of the centerline of the Interstate Highway I-75 right-of-way
Together with
All of Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36 of Township 51 South, Range
39 East
Together with
The South one-half (S ½) of Sections 13, 14 and 15 of Township 51 South, Range
39 East
Together with
All of Section 33 of Township 51 South, Range 40 East lying west of the centerline
of the Interstate Highway I-75 right-of-way.

DESCRIPTION OF THAT PART OF DISTRICT LOCATED IN ZONE 3

All of the South one-half (S ½) of Section 15 of Township 51 South, Range 40 East lying west of the centerline of the Interstate Highway I-75 right-of-way

Together with

All of the North one-half (N ½) of Section 22 of Township 51 South, Range 40 East lying west of the centerline of the Interstate Highway I-75 right-of-way

Together with

All of Sections 8, 9, 10, 11, 16 and 17 of Township 51 South, Range 40 East

Together with

The North one-half (N ½) of Sections 14, 15, 20 and 21 of Township 51 South, Range 40 East.

DESCRIPTION OF THAT PART OF DISTRICT LOCATED IN ZONE 4

All of Sections 23, 26, 27, 34, 35 and 36 of Township 51 South, Range 40 East

Together with

All of Section 30 of Township 51 South, Range 41 East

Together with

The South one-half (S ½) of Section 19 of Township 51 South, Range 41 East

Together with

The South one-half (S ½) of Sections 14, 20, 21, 22 and 25 of Township 51 South, Range 40 East

Together with

All of the South one-half (S ½) of Sections 15 and 28 of Township 51 South, Range 40 East lying east of the centerline of the Interstate Highway I-75 right-of-way

Together with

The North one-half (N ½) of Sections 28 and 29 of Township 51 South, Range 40 East

Together with

All of the North one-half (N ½) of Section 22 of Township 51 South, Range 40 East lying east of the centerline of the Interstate Highway I-75 right-of-way

Together with

All of Section 33 of Township 51 South, Range 40 East lying east of the centerline of the Interstate Highway I-75 right-of-way.

DESCRIPTION OF THAT PART OF DISTRICT LOCATED IN ZONE 5

All of Sections 12, 13 and 24 of Township 51 South, Range 40 East

Together with

All of Section 7 of Township 51 South, Range 41 East

Together with

The North one-half (N ½) of Section 18 of Township 51 South, Range 41 East

Together with

The North one-half (N ½) of Section 25 of Township 51 South, Range 40 East.

DESCRIPTION OF THAT PART OF DISTRICT LOCATED IN ZONE 6

All of Sections 8, 17, 20 and 29 of Township 51 South, Range 41 East
Together with
The South one-half (S ½) of Section 18 of Township 51 South, Range 41 East
Together with
The North one-half (N ½) of Sections 9 and 19 of Township 51 South, Range 41 East.

DESCRIPTION OF THAT PART OF DISTRICT LOCATED IN ZONE 7

All of Sections 15, 16, 21 and 28 of Township 51 South, Range 41 East
Together with
The South one-half (S ½) of Sections 9 and 10 of Township 51 South, Range 41 East
Together with
The Southwest one-quarter (SW ¼) of Section 11 of Township 51 South, Range 41 East
Together with
The Northwest one-quarter (NW ¼) of Section 14 of Township 51 South, Range 41 East
Together with
The North (N ½) of Section 22 of Township 51 South, Range 41 East.

EXHIBIT "2"
TO
SOUTH BROWARD DRAINAGE DISTRICT CHARTER
(Bailey Drainage District (Rolling Oaks) Rights-of-Way Legal Descriptions
Transferred and Dedicated to Broward County)
[SEE SECTIONS 68 AND 74]

(1) The South 50.00 feet of the North 985.00 feet, LESS THEREFROM, the East 293.00 feet thereof, of the following described property:

A portion of that part of Section 30, Township 50 South, Range 40 East that lies South of the South Right-of-Way line of the South New River Canal being more particularly described as follows:

Commencing at the intersection of the West line of Section 30, Township 50 South, Range 40 East and the South Right-of-Way line of the South New River Canal; thence East on an assumed bearing along the said South Right-of-Way line for a distance of 2626.06 feet to the Point of Beginning of the hereinafter described property; thence South for a distance of 134.58 feet to the Point of Curvature of a curve to the right, said curve having a radius of 3090.99 feet, a central angle of 7°27'53" and an arc distance of 402.71 feet; thence along the arc of said curve to the right for an arc distance of 402.71 feet to the Point of Tangency of said curve; thence South 7°27'53" West for a distance of 250.00 feet to the Point of Curvature of a curve to the left, said curve having a radius of 3420.57 feet, a central angle of 6°38'39" and an arc distance of 396.67 feet; thence along the arc of said curve to the left for an arc distance of 396.67 feet to the Point of Tangency of said curve; thence South 0°48'14" West for a distance of 50.35 feet to a point on the South line of said Section 30 that lies 25.00 feet East of the South quarter corner of said Section 30; thence South 88°22'08" East along the said South line of Section 30 for a distance of 2525.07 feet to the Southeast corner of said Section 30; thence North 0°22'25" East along the East line of said Section 30 for a distance of 1301.71 feet to a point on the said South Right-of-Way line of the South New River Canal; thence West along the said South Right-of-Way line for a distance of 2444.50 feet to the Point of Beginning.

(2) All that portion of Section 30, Township 50 South, Range 40 East that lies within 70.00 feet of a point that is located 960.00 feet South of the South Right of Way line of the South New River Canal, and 293.00 feet West of the East line of said Section 30.

(3) The South 50.00 feet of the North 350.00 feet, LESS THEREFROM, the East 293.00 feet thereof, of the following described property:

A portion of that part of Section 30, Township 50 South, Range 40 East that lies South of the South Right-of-Way line of the South New River Canal being more particularly described as follows:

Commencing at the intersection of the West line of Section 30, Township 50 South, Range 40 East and the South Right-of-Way line of the South New River Canal; thence East on an assumed bearing along the South Right-of-Way line for a distance of 2626.06 feet to the Point of Beginning of the hereinafter described property; thence South for a distance of 134.58 feet to the Point of Curvature of a curve to the right, said curve having a radius of 3090.99 feet, a central angle of 7°27'53" and an arc distance of 402.71 feet; thence along the arc of said curve to the right for an arc distance of 402.71 feet to the Point of Tangency of said curve; thence South 7°27'53" West for a distance of 250.00 feet to the Point of Curvature of a curve to the left, said curve having a radius of 3420.57 feet, a central angle of 6°38'39" and an arc distance of 396.67 feet; thence along the arc of said curve to the left for an arc distance of 396.67 feet to the Point of Tangency of said curve; thence South 0°48'14" West for a distance of 50.35 feet to a point on the South line of said Section 30 that lies 25.00 feet East of the South quarter corner of said Section 30; thence South 88°22'08" East along the said South line of Section 30 for a distance of 2525.07 feet to the Southeast corner of said Section 30; thence North 0°22'25" East along the East line of said Section 30 for a distance of 1301.71 feet to a point on said South Right-of-Way line of the South New River Canal; thence West along the said South Right-of-Way line for a distance of 2444.50 feet to the Point of Beginning.

(4) All that portion of Section 30, Township 50 South, Range 40 East that lies within 70.00 feet of a point that is located at 325.0 feet South of the South Right-of-Way

line of the South New river Canal and 293.00 feet West of the East line of said Section 30.

(5) That part of Section 30, Township 50 South, Range 40 East described as follows, to wit: a strip of land 50 feet in width, the centerline of which is described as follows:

Commencing at the point of intersection of the West line of Section 30, Township 50 South, Range 40 East, and the South right-of-way line of the South New River Canal; thence East on an assumed bearing, along the said South right-of-way line of the South New River Canal a distance of 2601.06 feet to the point of beginning of this description; thence South, perpendicular to the last described line a distance of 134.58 feet to the point of curve of a circular curve to the right; thence Southwesterly along the arc of said curve, having a radius of 3065.99 feet, 399.45 feet to the point of tangent of said curve; thence South 7°27'53" West, 250.0 feet to the point of curve of a circular curve to the left; thence Southeasterly along the arc of said curve, having a radius of 3445.67 feet, 399.57 feet to the point of tangent of said curve; thence South 0°49'14" West a distance of 50 feet to a point, said point being the Southwest corner of the East 1/2 of Section 30, Township 50 South, Range 40 East.

(6) The West 15 feet of the following described property:

A portion of Section 30, Township 50 South, Range 40 East more particularly described as follows:

Commence at the intersection of the East line of said Section 30 and the South Right-of-Way line of the South New River Canal; thence on an assumed bearing of South 90°00'00" West along the said South Right-of-Way line a distance of 1661.21 feet; thence South 00°00'00" East a distance of 960 feet to the point of beginning; thence South 90°00'00" West a distance of 860.35 feet to a point on the arc of a 3420.57 foot radius non-tangent curve concave to the East; thence Southerly along said curve through a central angle of 03°40'49" an arc distance of 219.71 feet to a point of tangency; thence South 00°49'14" West along a line parallel with and 25 feet East of the North-South 1/4 section line of Section 30 a distance of 50.35 feet to an intersection with the South line of said Section 30; thence South 88°22'08" East along said South line a distance of 871.63 feet; thence North 00°00'00" East a distance of 294.59 feet to the point of beginning.

(7) Those parts of Section 30, Township 50 South, Range 40 East described as follows:

(a) All that land that lies within 25 feet of the following described centerline:

Commencing at the Southwest corner of Section 30, thence Northerly and along the West line of said Section 30 a distance of 674 feet, thence Easterly and parallel with the South line of said Section 30 a distance of 316.86 feet to a point of beginning of this description, thence continue Easterly and parallel with the said South line of Section 30 a distance of 788.72 feet to the point of termination, together with all that land that lies within 70 feet of both the point of beginning and the point of termination.

(b) All that land that lies within 25 feet of the following described centerline:

Commence at the Southwest corner of said Section 30, thence Easterly and along the South line of said Section 30 a distance of 634.29 feet to the point of beginning of this description; thence Northerly on an angle from East to North of 89°53'45" a distance of 674 feet to the point of termination.

(8) That part of Section 30, Township 50 South, Range 40 East and that part of Section 31, Township 50 South, Range 40 East according to FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1 as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida, described as follows, to wit:

All that land in Tracts 17 and 32 of Section 31, Township 50 South, Range 40 East, and the Southwest 1/4 of Section 30, Township 50 South, Range 40 East that lies within 25 feet of the following described centerline:

Beginning at a point on the North line of said Tract 17 that is 50 feet West of the East line of said Tract 17, thence Westerly and along the North line of said Tracts 17 and 32 to a point on the North line of said Tract 32 that is 255 feet East of the West line of said Tract 32, together with all that land in said Tract 32 and said Southwest 1/4 of Section 30 that lies within 70 feet of

said described point on the North line of said Tract 32 and is 255 feet East of said West line of Tract 32.

(9) Those parts of Section 31, Township 50 South, Range 40 East according to the FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida, described as follows, to wit:

(a) All that land in Tract 40 that lies within 50 feet of the North-South center of the Section line of Section 31, Township 50 South, Range 40 East.

(b) The South 50 feet of Tracts 40 and 41.

(c) All that land in Tracts 17, 18, 19, 21, 22, 23, 24, 33, 34, 35, 36, 37, 38, 39, 57, 58, 59 and 60 that lies within 50 feet of the North-South center of the section line of Section 31, Township 50 South, Range 40 East.

(d) All that land that lies within 25 feet of the following described centerline:

Beginning at a point on the South line of Tract 18 that is 50 feet West of the East line of Tract 18, thence Westerly and along the South line of Tract 18 and the South line of Tract 31 to a point on the South line of Tract 31 that is 255 feet East of the West line of Tract 31, together with all that land in Tracts 30 and 31 that lies within 70 feet of said described point that lies on the South line of Tract 31 and is 255 feet East of the West line of Tract 31.

(e) All that land that lies within 25 feet of the following described centerline:

Beginning at a point on the South line of Tract 21 that is 50 feet West of the East line of Tract 21, thence Westerly and along the South line of Tracts 21 and 28 to the Southwest corner of the East 1/2 of the West 1/2 of Tract 28, together with all that land in Tracts 27 and 28 that lies within 70 feet of said Southwest corner of the East 1/2 of the West 1/2 of Tract 28.

(f) All that land that lies within 25 feet of the following described centerline:

Beginning at a point that is the Northwest corner of the East 1/2 of Tract 27, thence Southerly and along the West line of the East 1/2 of Tract 27, the West line of the East 1/2 of Tract 26 and the West line of the East 1/2 of Tract 25 to a point that is 120 feet North of the Southwest corner of said East 1/2 of Tract 25, together with all that land in Tract 25 that lies within 70 feet of said described point that lies on the West line of the East 1/2 of Tract 25, a distance of 120 feet North of said Southwest corner of the East 1/2 of Tract 25.

centerline: (g) All that land that lies within 25 feet of the following described

Beginning at the Southeast corner of Tract 33, thence Westerly on a line that forms an angle of 90°46'47" in the Northwest Quadrant with the North-South centerline of the section of said Section 31, to a point that is 255 feet East of the West line of said Section 31, less therefrom the East 50 feet thereof; together with all that land that lies within 70 feet of said above described point that lies 255 feet East of the West line of said Section 31.

centerline: (h) All that land that lies within 25 feet of the following described

Beginning at the Southeast corner of Tract 35, thence Westerly on a line that forms an angle of 90°46'43" in the Northwest Quadrant with the North South centerline of the Section of said Section 31, to a point that is 255 East of the West line of said Section 31, less therefrom the East 50 feet thereof; together with all that land that lies within 70 feet of said above described point that lies 255 feet East of the West line of said Section 31.

centerline: (i) All that land that lies within 25 feet of the following described

Beginning at a point on the South line of Tract 60 that is 50 feet East of the West line of Tract 60, thence Easterly and along the South line of Tracts 60 and 53 to a point on the South line of Tract 53 that is 170 feet West of the East line of Tract 53, together with all that land in Tracts 53 and 54 that lies within 70 feet of said described point that lies on the South line of Tract 53 and is 170 feet West of the East line of Tract 53.

(j) All that land that lies within 25 feet of the following described centerline:

Beginning at a point on the South line of Tract 58 that is 50 feet East of the West line of Tract 58, thence Easterly and along the South line of Tracts 58 and 55 to a point on the South line of Tract 55 that is 170 feet West of the East line of Tract 55, together with all that land in Tracts 55 and 56 that lies within 70 feet of said described point that lies on the South line of Tract 55 and is 170 feet West of the East line of Tract 55.

(k) All that land in Tracts 9, 10, 11, 12, 13, 14, 16, 61, 62, 63, and 64 that lies within 50 feet of the North-South center of the Section line of Section 31, Township 50 South, Range 40 East.

(l) All that land that lies within 25 feet of the following described centerline:

Beginning at a point on the South line of Tract 12 that is 50 feet East of the West line of Tract 12, thence, Easterly along the South line of said Tract 12 and the South line of the West 1/2 of Tract 5 to the Southeast corner of said West 1/2 of Tract 5, together with all that land in Tracts 5 and 6 that lies within 70 feet of the said Southeast corner of the West 1/2 of Tract 5.

(m) All that land that lies within 25 feet of the following described centerline:

Beginning at a point on the South line of Tract 14 that is 50 feet East of the West line of Tract 14, thence Easterly along the South line of said

Tract 14 and the South line of the West 1/2 of Tract 3 to the Southeast corner of said West 1/2 of Tract 3 together with all that land in Tract 4 and in the East 1/2 of Tract 3 that lies within 70 feet of the said Southeast corner of the West 1/2 of Tract 3 and also together with all that land in the West 1/2 of Tract 3 that lies external to an arc in the Southeast quadrant that has a radius of 25 feet and its radius point is located 50 feet North of the South line of the said West 1/2 of Tract 3 and 50 feet West of the East line of said West 1/2 of Tract 3.

(n) All that land that lies within 25 feet of the following described centerline:

Beginning at the Southeast corner of the West 1/2 of Tract 3, thence Northerly along the East line of the said West 1/2 of Tract 3 and the East line of the West 1/2 of Tract 2, to the Northeast corner of the said West 1/2 of Tract 2, together with all that land in Tracts 1 and 2 that lies within 70 feet of the said Northeast corner of the West 1/2 of Tract 2.

(o) All that land that lies within 25 feet of the following described centerline:

Beginning at a point on the South line of Tract 10 that is 50 feet East of the West line of Tract 10, thence Easterly along the South line of Tract 10 and the South line of Tract 7 to a point that is 398.73 feet West of the Southeast corner of Tract 7, together with all that land in Tracts 7 and 8 that lies within 70 feet of said point.

(p) The East 25 feet of the West 1/2 of Tract 1 less the North 50 feet and less that land that lies within 70 feet of the Southeast corner of the West 1/2 of Tract 1; together with the West 25 feet of the East 1/2 of Tract 1 less the North 50 feet and less that land that lies within 70 feet of the Southwest corner of the East 1/2 of Tract 1.

(q) All that land that lies within 25 feet of the following described centerline:

Beginning at a point on the South line of Tract 7

that is 398.73 feet West of the Southeast corner of Tract 7; thence Easterly along said South line of Tract 7 to a point 150 feet West of the Southeast corner of Tract 7.

(10) Those parts of Section 6, Township 51 South, Range 40 East according to the CHAMBERS LAND COMPANY'S SUBDIVISION thereof recorded in Plat Book 1, Page 5 of the Public Records of Broward County, Florida, described as follows, to wit:

(a) The West 50 feet of Tracts 13 through 20 in the Northeast 1/4 of said section; the West 50 feet of Tracts 13 through 20 in the Southeast 1/4 of said section; the East 50 feet of Tracts 1 through 8 in the Northwest 1/4 of said section; and the East 50 feet of Tracts 1 through 8 in the Southwest 1/4 of said section.

(b) The North 50 feet of said section.

(c) That part of the Northeast 1/4 of said section described as follows:

A 50 foot wide strip of land that lies 25 feet on each side of the following described centerline.

Beginning at a point on the North line of Tract 15 in said Northeast 1/4 that is 50 feet East of the Northwest corner of said Tract 15, thence Easterly along the North line of said Tract 15, through the center of Tracts 12, 11, 10 and 9 to the Northwest corner of Tract 3 in said Northeast 1/4, which is a point of termination.

(d) That part of the Northeast 1/4 of said section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the West line of Tract 4 in said Northeast 1/4 that lies 85 feet South of the Northwest corner of Tract 4, thence Northerly and along the West line of Tracts 4, 3, 2 and 1, in said Northeast 1/4 to a point on the West line of said Tract 1 that is 85 feet North of the Southwest corner of Tract 1, which is a point of termination, together with all lands that lie within 70 feet of both the point of beginning and the point of termination.

- (e) That part of the Northeast 1/4 of said section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the North line of Tract 18 in said Northeast 1/4 that is 50 feet East of the Northwest corner of Tract 18, thence Easterly along the North line of Tract 18, through Tracts 21, 22, 23 and 24 and along the North line of Tract 6 in said Northeast 1/4 to a point on the North line of Tract 6 that lies 170 feet West of the Northeast corner of said Tract 6, said point being the point of termination, together with all lands that lie within 70 feet of the point of termination.

- (f) That part of the Northeast 1/4 of said section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the North line of Tract 20 in said Northeast 1/4 that is 50 feet East of the Northwest corner of Tract 20, thence Easterly along the North line of Tract 20 through Tracts 21, 22, 23 and 24, then along the North line of Tract 8 in said Northeast 1/4 to a point on the North line of Tract 8 that lies 170 feet West of the Northeast corner of Tract 8, said point being the point of termination, together with all lands that lie within 70 feet of the point of termination.

- (g) That part of the Southeast 1/4 of said section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline.

Beginning at a point on the North line of Tract 16 that is 50 feet East of the Northwest corner of said Tract 16, thence Easterly along the North line of said Tract 16 through Tracts 12, 11, 10 and 9 and along the North line of Tract 4 to a point on the North line of said Tract 4 that lies

170 feet West of the Northeast corner of said Tract 4 said point being the point of termination, together with all lands that lie within 70 feet of said point of termination.

- (h) That part of the Southeast 1/4 of said section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the North line of Tract 19 that is 50 feet East of the Northwest corner of said Tract 19, thence Easterly along the North line of said Tract 19 through the center of Tracts 21, 22, 23 and 24 to the Northwest corner of said Tract 7 which is the point of termination.

- (i) That part of the Southeast 1/4 of said section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the West line of Tract 8 that lies 85 feet South of the Northwest corner of said Tract 8 thence Northerly and along the West line of Tracts 8, 7, 6 and 5 to a point on the West line of said Tract 5 that is 85 feet North of the Southwest corner of said Tract 5; said point being the point of termination, together with all lands that lie within 70 feet of both the point of beginning and the point of termination.

- (j) That part of the Southwest 1/4 of said section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the North line of Tract 7 that is 50 feet West of the Northeast corner of said Tract 7, thence Westerly along the North line of said Tract 7, through the center of Tracts 24, 23, 22 and 21 to the Northeast corner of Tract 19 which is the point of termination.

- (k) That part of the Southwest 1/4 of said Section described as follows:

a 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the East line of Tract 20 that lies 85 feet South of the Northeast corner of said Tract 20, thence Northerly and along the East lines of Tracts 20, 19, 18 and 17 to a point on the East line of said Tract 17 that is 85 feet North of the Southeast corner of said Tract 17, said point being the point of termination; together with all lands that lie within 70 feet of both the point of beginning and the point of termination.

- (l) That part of the Southwest 1/4 of said Section described as follows:

A 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point on the North line of Tract 4 that is 50 feet West of the Northeast corner of Tract 4, thence Westerly along the North line of said Tract 4 through Tracts 9, 10, 11 and 12 and along the North line of Tract 16 to a point on the North line of said Tract 16 that lies 115.38 feet East of the Northwest corner of said Tract 16, said point being the point of termination, together with all lands that lie within 70 feet of the point of termination.

- (m) That part of the Southwest 1/4 of said Section described as follows:

The North 50 feet of the Southwest 1/4 of Section 6, Township 51 South, Range 40 East, together with those lands in the Southwest 1/4 and the Northwest 1/4 of said Section 6 that lie within 70 feet of a point that is 25 feet South of the said North line of the Southwest 1/4 and 115.38 feet East of the West line of the said Southwest 1/4.

(n) That part of the Northwest 1/4 of said Section described as follows:

A 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point that is the center of the South Line of Tract 20, thence Northerly through the middle of said Tracts 20, 19, 18, 17, 16, 15, 14, and 13 to a point that is 115.38 feet South of the North line of said Tract 13, together with all lands that lie within 70 feet of said point.

(o) That part of the Northwest 1/4 of said Section described as follows:

A 50 foot wide strip of land that lies 25 feet on each side of the following described centerline:

Beginning at a point that is the Southeast corner of Tract 21, thence Northerly along the East line of said Tract 21 to a point that is 90.38 feet South of the North line of said Tract 21, together with all lands that lie within 70 feet of said point.