

**RESOLUTION NO. 2022-004**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA ABANDONING A 10-FOOT WIDE UTILITY EASEMENT FOR THE PROJECT KNOWN AS FIRST SAWGRASS COMMERCE CENTER, LOCATED AT 6301 LYONS ROAD, WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the applicant, FR Lyons Road, LLC ("Applicant"), seeks to vacate and abandon a utility easement, more particularly described in Exhibit "A," attached hereto and made a part of hereof; and

**WHEREAS**, all affected utility companies have submitted written waivers of no objection; and

**WHEREAS**, the City Commission finds and determines that this action is in the best interest of the public welfare based upon all the evidence presented at public hearing, City staff reports, and findings of fact pertaining to this project located within the official City Development/Project file kept within the Department of Sustainable Development.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

**Section 2: Approval.** That the City Commission, finding that the above described easement vacation is in the best interest of the public welfare, hereby approves the vacation of easement, as described in Exhibit "A."

**Section 3: Recordation.** That pursuant to Section 13-42(d) of the Land Development Code, the City Clerk shall record this resolution in the official public records books of Broward County, Florida, and forward a copy of such recording to the Sustainable Development Department and the applicant.

**Section 4: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

**Section 5: Severability.** That should any section or provision of this resolution, or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 6: Effective Date.** That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 13th day of January, 2022.

\_\_\_\_\_  
Rebecca A. Tooley, Mayor

Attest:

\_\_\_\_\_  
Marianne Bowers, Interim City Clerk

Tooley	<u>Aye</u>
Rydell	<u>Aye</u>
Sarbone	<u>Aye</u>
Welch	<u>Aye</u>
Railey	<u>Aye</u>

JP:ae

\\pdc\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Resolutions\2022\RES 2022-044 First Sawgrass Vac Easement 01 13 22.docx