

**ORDINANCE NO. 2019-022**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING AND ACCEPTING A MAINTENANCE MAP FOR LANDSCAPE AREAS, SIDEWALKS AND FACILITIES IMMEDIATELY ADJACENT TO LYONS ROAD RIGHT-OF-WAY PURSUANT TO FLORIDA STATUTES SECTION 95.361 AT THREE LOCATIONS GENERALLY LOCATED ON LYONS ROAD BETWEEN COCONUT CREEK PARKWAY AND COPANS ROAD, MORE PARTICULARLY DESCRIBED IN THE MAINTENANCE MAP ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A;" AUTHORIZING EXECUTION; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes Section 95.361 provides that when a municipality has maintained a roadway for the immediate past seven (7) years, such road shall be deemed to be dedicated to the public to the extent of the width that the municipality has actually maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway; and

**WHEREAS**, as part of the Lyon's Road Mobility Project, the City Engineer and the Florida Department of Transportation ("FDOT") identified three (3) locations where the proposed infrastructure improvements extend outside of the existing Lyons Road right-of-way, but within areas immediately adjacent to the right-of-way and part of the existing roadway infrastructure, including landscaping, sidewalks, and pedestrian improvements which have been maintained by the City; and

**WHEREAS**, those areas adjacent to Lyon's road, as identified on Maintenance Map, attached hereto and incorporated herein as Exhibit "A" (the "Maintenance Map Specific Purpose Survey"), have been maintained by the City of Coconut Creek (the "City") for at least the immediate past seven (7) years; and

**WHEREAS**, Section 310 of the City Charter requires that where the City desires to acquire real property by purchase, dedication or condemnation, it shall do so by ordinance; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the City to approve and accept the Maintenance Map designating the identified real property as public right-of-way.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:**

**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 ordinance. All Exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

**Section 2: Approval, Acceptance and Vesting.** That the City Commission hereby approves the Maintenance Map, attached hereto and made a part hereof as Exhibit “A,” recognizing, accepting, and vesting the lands designated within as City of Coconut Creek right-of-way.

**Section 3: Authorization.** That the Mayor, City Clerk, and the Director of Utilities and Engineering are hereby authorized to execute the attached Maintenance Map.

**Section 4: Recordation.** That a copy of this ordinance along with the executed Maintenance Maps shall be recorded in the public records of Broward County, Florida.

**Section 5: 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 ordinance are hereby repealed to the extent of such conflict.

**Section 6: Severability.** That should any section or provision of this ordinance 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 7: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 11<sup>TH</sup> DAY OF JULY, 2019.**

**PASSED SECOND READING THIS 8<sup>TH</sup> DAY OF AUGUST, 2019.**

\_\_\_\_\_  
Sandra L. Welch, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Welch	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Absent</u>
Rydell	<u>Aye</u>	<u>Aye</u>