

ORDINANCE NO. 2018-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A UTILITY EASEMENT FOR THE PROJECT KNOWN AS WOODSPRING HOTEL AT STRADA GENERALLY DESCRIBED AS A PORTION OF TRACT B, THE HALE PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 137, PAGE 16, OF PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A;" PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS TO VACATE; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek seeks to vacate and abandon a 10-foot utility easement, more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the existing utilities shall be relocated; and

WHEREAS, replacement utility easements shall be dedicated to serve the development; and

WHEREAS, all affected utility companies have submitted written waivers of objection, subject to relocation of existing facilities; and

WHEREAS, at its public hearing held on May 9, 2018, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City staff, together with the opinions and testimony stated at the public hearing and has recommended approval of this item to the City Commission subject to the following condition:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit; and

WHEREAS, the City Commission finds and determines that this action is in the best interest of the City based upon all the Development Review Committee comments and minutes, Planning and Zoning Board minutes, 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 ORDAINED 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 Ordinance. All Exhibits attached hereto are incorporated herein and made a specific part of this Ordinance.

Section 2: Public Purpose. That the City Commission finds and determines that the above described special land use is in the best interest of the City and serves a public purpose.

Section 3: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of May 9, 2018, which recommends approval of said vacation of utility easement legally described in Exhibit “A,” attached hereto and made a part hereof, and hereby vacates, releases, and abandons said easement subject to the following condition:

1. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.

Section 4: Recordation. That this Ordinance 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 ____ DAY OF _____, 2018.

PASSED SECOND READING THIS ____ DAY OF _____, 2018.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	_____	_____
Welch	_____	_____
Tooley	_____	_____
Sarbone	_____	_____
Belvedere	_____	_____

WSS:ae

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