

ORDINANCE NO. 2019-025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A PORTION OF A SEWER UTILITY EASEMENT FOR THE PROJECT KNOWN AS BJ'S GAS PARKLAND, LOCATED AT 5801 WEST HILLSBORO BOULEVARD, PARKLAND, FLORIDA, 33067 WITH SAID EASEMENT VACATION LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS TO VACATE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, New Market-Parkland Outparcel, LLC seeks to vacate and abandon a portion of a utility easement, more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the existing utilities have been relocated; and

WHEREAS, replacement utility easements will be dedicated to serve the development if necessary; and

WHEREAS, all affected utility companies have submitted written waivers of objection; and

WHEREAS, at its public hearing held on July 10, 2019, 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; 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, 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, 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: Finding. That the City Commission finds and determines that the above described easement vacation is in the best interest of the residents of the City of Coconut Creek.

Section 3: Vacation. That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of July 10, 2019, which recommended approval of said vacation of utility easement for sewer service as legally described in Exhibit “A,” attached hereto and made a part hereof, and hereby vacates, releases, and abandons said easement.

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 ordinance are hereby repealed to the extent of such conflict.

Section 5: 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 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 8TH DAY OF AUGUST, 2019.

PASSED SECOND READING THIS 12TH DAY OF SEPTEMBER, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

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

SNR:ae

\\pdc\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Ordinances\ORD 2019-025 Vac Bj's Gas Parkland Sewer.docx