

ORDINANCE NO. 2017-011

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A CANAL MAINTENANCE AND UNDERGROUND UTILITY EASEMENT FOR THE PROJECT KNOWN AS PARKWOOD VI, GENERALLY LYING OVER AND ACROSS PORTIONS OF TRACT "A" OF THE PARKWOOD VI PLAT, ACCORDING TO THE PLAT THEREOF, AS 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 CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek seeks to vacate and abandon a 20-foot canal maintenance and underground utility easement, more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the canal maintenance and underground utility easement does not include any existing utilities; and

WHEREAS, replacement easements have been dedicated to serve the development; and

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

WHEREAS, the Planning and Zoning Board has recommended approval of this vacation of canal maintenance and underground utility easement at its December 14, 2016, meeting; 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.

Section 2: Public Purpose. That the City Commission finds and determines that the above described vacation of a canal maintenance and underground utility easement is in the best interest of the residents 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 December 14, 2016, which recommended approval of the vacation of canal maintenance and underground utility easement for the property 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 13TH DAY OF APRIL, 2017.

PASSED SECOND READING THIS 27TH DAY OF APRIL , 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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

EXHIBIT "A"

LEGAL DESCRIPTION:

The "20.00 foot wide canal maintenance and underground utility easement" in Tract "A" of "Parkwood VI," according to the Plat thereof, as recorded in Plat Book 148, Page 37, of the Public Records of Broward County, Florida; also being the southerly 20 feet of the "50' canal easement" shown on said Plat, less the East 12 feet and less the West 12 feet thereof.